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GENERAL LAWS

PASSED BY THE

LEGISLATURE OF WISCONSIN,

IN THE YEAR 1866,

TOGETHER WITH

JOINT RESOLUTIONS AND MEMORIALS.

PUBLISHED BY AUTHORITY.

MADISON, WIS.:
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1866.

1970

LIST OF MEMBERS AND OFFICERS.

"SECTION 1. * * * There shall be prefixed to each volume of the laws hereafter published, the names and residences of the several state officers, the senators and members of the assembly, and the presiding officers and clerks of both branches of the legislature, at the time of the passage of such laws."—*General laws of* 1854, *chapter* 94.

NAMES AND RESIDENCES

Of the state officers, senators, members of the assembly, presiding officers and clerks of both branches of the legislature, in office at the time of the passage of the laws contained in this volume.

NAME.	OFFICE.	RESIDENCE.	
		Postoffice.	*County.*
Lucius Fairchild,	Governor,	Madison,	Dane.
Wyman Spooner,	Lieut. governor,	Elkhorn,	Walworth.
Charles Fairchild,	Private sec'y governor,	Madison,	Dane.
Thomas S. Allen,	Secretary of state,	Mineral Point,	Iowa.
Eli A. Spencer,	Ass't sec'y of state,	Sun Prairie,	Dane.
William E. Smith,	State treasurer,	Fox Lake,	Dodge.
Chauncey H. Purple,	Ass't state treasurer,	Waukesha,	Waukesha.
Charles R. Gill,	Attorney general,	Watertown,	Jefferson.
Hiram Barber, jr.,	Ass't attorney general,	Watertown,	Jefferson.
John G. McMynn,	State superintendent,	Racine,	Racine.
A. J. Craig,	Ass't state superinten't,	Palmyra,	Jefferson.
Jeremiah M. Rusk,	Bank comptroller,	Viroqua,	Vernon.
David B. Ramsey,	Bank register,	Milwaukee,	Milwaukee.
Henry Cordier,	State prison commis'r,	Waupun,	Dodge.
O. M. Conover,	State librarian,	Madison,	Dane.
Edward Colman,	Sup't public property,	Fond du Lac,	Fond d' Lac
John A. Bentley,	Senator,	Sheboygan,	Sheboygan.
Mathew J. Meade,	do	Green Bay,	Brown.
L. Morgan,	do	Ozaukee,	Ozaukee.
Frederick O. Thorp,	do	West Bend,	Washingt'n
W. K. Wilson,	do	Milwaukee,	Milwaukee.
Charles H. Larkin,	do	Milwaukee,	Milwaukee.
J. I. Case,	do	Racine,	Racine.
C. C. Sholes,	do	Kenosha,	Kenosha.
Henry G. Webb,	do	Wautoma,	Waushara.
Orson Reed,	do	Summit,	Waukesha.
Willard H. Chandler,	do	Windsor,	Dane.

Name.	Office.	Residence.	
		Postoffice.	*County.*
N. M. Littlejohn,	Senator,	Whitewater,	Walworth.
Samuel Cole,	do	Gratiot,	La Fayette.
A. W. Starks,	do	Baraboo,	Sauk.
W. L. Lincoln,	do	Avoca,	Iowa.
John H. Rountree,	do	Platteville,	Grant.
Wm. A. Lawrence,	do	Janesville,	Rock.
Stoddard Judd,	do	Fox Lake,	Dodge.
George Reed,	do	Manitowoc,	Manitowoc.
George F. Wheeler,	do	Nanuapa,	Fond d' Lac
George S. Barnum,	do	Waukau,	Winnebago.
A. L. Smith,	do	Appleton,	Outagamie.
S. W. Budlong,	do	Waterloo,	Jefferson.
Henry Adams,	do	Monticello,	Green.
Jonathan Bowman,	do	Kilbourn city,	Columbia.
James K. Proudfit,	do	Madison,	Dane.
M.H. Sessions,	do	Waupaca,	Waupaca.
Marcus A. Fulton,	do	Hudson,	St. Croix
G. DeWitt Elwood,	do	Princeton,	Green Lake
Benjamin Bull,	do	Prairie du Chien,	Crawford.
John A. Chandler,	do	Sparta,	Monroe.
J. G. Thorp,	do	Eau Claire,	Eau Claire.
Satterlee Clark,	do	Horicon,	Dodge.
Barron, H. D., speaker,	Member of assembly	Falls St. Croix,	Polk.
Abrams, W. J	do	Green Bay,	Brown.
Allen, W. C.	do	Delavan,	Walworth.
Armstrong, John.	do	Wiota,	La Fayette.
Ashley, Oliver.	do	Westford,	Dodge.
Babcock, Oscar	do	Dakota,	Waushara.
Baldwin, George	do	Chilton,	Calumet.
Bartlett, J. O.	do	Racine,	Racine.
Bates, A. C	do	Janesville,	Rock,
Belden, Philo	do	Rochester,	Racine.
Bennett, A. A.	do	Glen Haven,	Grant.
Bodden, Jacob.	do	Theresa,	Dodge.
Brown, Daniel	do	Elm Grove,	Waukesha.
Bugh, W. A.	do	Berlin,	Green Lake
Burdick, B	do	Edgerton,	Rock.
Butler, A. R. R.	do	Milwaukee,	Milwaukee.
Cameron, Angus.	do	La Crosse,	La Crosse.
Carpenter, N. F.	do	De Soto,	Vernon.
Carr, E. E.	do	Monroe,	Green.
Carroll, J. P.	do	Adell,	Sheboygan.
Charlton, William	do	Verona,	Dane.
Clark, G. F	do	Bugle,	Fond d' Lac
Coleman, James.	do	Fond du Lac,	Fond d' Lac
Copp, William J.	do	Prescott,	Pierce.
Curtis, T. H.	do	Wauwatosa,	Milwaukee.
Daly, Edward.	do	Brown Deer,	Milwaukee.
Davis, Thomas	do	Sugar Creek,	Walworth.
Delaney, M. L.	do	Barton,	Washington

Name.	Office.	Residence.	
		Postoffice.	*County.*
Dieringer, A. J.	Member of assembly		Fond d' Lac
Deuster, John H.	do	Milwaukee,	Milwaukee.
Dittmar, Nicholas	do	Memee,	Manitowoc.
Doe, William H.	do	Oshkosh,	Winnebago.
Douglass, A. C.	do	Hanover,	Rock.
Eaton, H. L.	do	Lone Rock,	Richland.
Eatough, William	do	Brant's Mills,	Manitowoc.
Erskine, G. Q.	do	Racine,	Racine.
Flint, J. M.	do	Sun Prairie,	Dane.
Gifford, Peter D.	do	North Prairie,	Waukesha.
Goodsell, E. B.	do	Highland,	Iowa.
Hadley, Jackson	do	Milwaukee,	Milwaukee.
Hammon, A. P.	do	Montfort,	Grant.
Harrington, George E.	do	Boscobel,	Grant.
Harnden, H.	do	Rome,	Jefferson.
Hopkins, B. F.	do	Madison,	Dane.
Jones, E. O.	do	Cambria,	Columbia.
Kenealy, James.	do	Toland's Prairie,	Washington
King, E. P.	do	Beloit,	Rock.
Lynde, W. P.	do	Milwaukee,	Milwaukee.
Marsden, T. B.	do	Friendship,	Adams.
Martin, Constant	do	Dycksville,	Kewaunee.
McCarthy, James	do	Port Washington	Ozaukee.
McGrath, James.	do	Milwaukee,	Milwaukee.
Merrill, L. G.	do	Bl'k River Falls,	Jackson.
Miner, E. S.	do	Necedah,	Juneau.
Morse, W. M.	do	Ashippun,	Dodge.
Mosher, John.	do	Waterloo,	Jefferson.
Newell, F.	do	Kenosha,	Kenosha.
Orton, C. H.	do	Milwaukee,	Milwaukee.
Osborn, A. K	do	Iola,	Waupaca.
Palmer, William.	do	Logansville,	Sauk.
Pease, S. A.	do	Montello,	Marquette.
Pettit, Paris	do	East Troy,	Walworth.
Phillips, Joseph	do	Milwaukee,	Milwaukee.
Plumer, B. G	do	Wausau,	Marathon.
Pope, A. W	do	Janesville,	Rock.
Potter, W. D.	do	Cambridge,	Dane.
Pound, Thaddeus C.	do	Chippewa Falls,	Chippewa.
Proctor, John	do	Neenah,	Winnebago.
Raymond, James O.	do	Plover,	Portage.
Raymond, S. O.	do	Geneva,	Walworth.
Reed, W. W.	do	Jefferson,	Jefferson.
Robbins, Hanmer	do	Platteville,	Grant.
Rogan, Patrick	do	Watertown,	Jefferson.
Rounseville, Samuel	do	Sheboygan Falls,	Sheboygan.
Sanderson, R. B.	do	Poynette,	Columbia.
Sawyer, Hiram	do	Burnett,	Dodge.
Schneider, Philip	do	Boston,	Washington
Scribner, Wiley S	do	Fairplay,	Grant.
Seeley, David J	do	Elk Grove,	La Fayette.

NAME.	OFFICE.	RESIDENCE.	
		Postoffice.	*County.*
Simmons, William	Member of assembly,	Oshkosh,	Winnebago.
Skeels, A. M.	do	Ripon,	Fond d' Lac
Slaughter, George H.	do	Mendota,	Dane.
Smiley, Daniel.	do	Albany,	Green.
Smith, Jesse.	do	Dodge's Corners	Waukesha.
Smoke, David	do	Two Rivers,	Manitowoc.
Spensley, James.	do	Mineral Point,	Iowa.
Stephenson, Isaac	do	Marinett,	Oconto.
Strong, Rollin M.	do	Reedsburg,	Sauk.
Thomas, W. H.	do	Sumner,	Trempeal'au
Thompson, Samuel	do	Hartland,	Waukesha.
Turner, A. J.	do	Portage city,	Columbia.
Turner, Henry.	do	Appleton,	Outagamie.
Wagner, Joseph.	do	Moria,	Fond d' Lac
Washburn, George H.	do	Millville,	Grant.
Willard, Andrew.	do	Beaver Dam,	Dodge.
Williams, Bille	do	Sheboygan,	Sheboygan.
Wilson, D. W. C.	do	Sparta,	Monroe.
Wolff, Julius	do	Rhine,	Sheboygan.
Woods, Alexander.	do	Hillsborough,	Vernon.
Wooster, H. S.	do	Clinton,	Rock.
Wyman Spooner,	Lt. gov. and pres't sen.	Elkhorn,	Walworth.
Henry D. Barron,	Speaker of assembly	Falls St. Croix,	Polk.
Frank M. Stewart,	Chief clerk of senate,	Baraboo,	Sauk.
L. P. Hills,	Ass't clerk senate,	Waupun,	Dodge.
E. W. Young,	Chief clerk assembly,	Prairie du Sac,	Sauk.
J. H. Balch,	Ass't clerk assembly,	Milton,	Rock.

NOTE.—Where a superfluous word has been found in the enrolled bill, it has been printed in the text, but in italics, and inclosed in parenthesis, (*thus.*) Where a word has been found necessary to sustain the sense of the context, or where one word has been obviously mistaken for another, the word supposed to be proper has been supplied, but in brackets, [thus.]

GENERAL LAWS.

CHAPTER 1.

[*Published January* 29, 1866.]

AN ACT to amend chapter 109 of the general laws of the year 1864, entitled "an act to authorize the county of Brown to issue bonds for the erection of county buildings."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendment.

SECTION 1. Section five of chapter one hundred and nine of the general laws of the year 1864, is hereby amended, by striking out the name of Talbot C. Dousman, and inserting in place thereof the name of Andrew Reid.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved January 27, 1866.

CHAPTER 2.

[*Published February* 1, 1866.]

AN ACT authorizing certain insurance companies to transact business in this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Certain insurance companies may do business in this state.

SECTION 1. Any insurance company which had, prior to the first of November, 1865, deposited state bonds with the state treasurer, as required by section one, chapter 320, of the general laws for the year 1865, although subsequently to the time fixed by said law, is hereby authorized to transact the business of insurance

in this state, the same as though such bonds had been so deposited on or before the first day of June, 1865: *provided*, that said company shall in all other respects comply with the requirements of the laws of this state relating to insurance companies.

Proviso.

Issue of certificates.

SECTION 2. The state treasurer and secretary of state are respectively authorized to issue certificates, as provided in sections 3 and 8 of chap. 320 of the laws of 1865, to any such company.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 1, 1866.

CHAPTER 3.

[*Published February* 23, 1866.]

AN ACT to define the duties of the secretary of state and state treasurer, in reference to the disbursements of the revenues of the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Payments from treasury only to be made on warrants of secretary of state.

SECTION 1. All payments of money from the state treasury, shall be made upon the warrant of the secretary of state; and it shall be unlawful for the secretary of state to credit the state treasurer for any sum of money paid out otherwise than as provided in this act.

Repeal.

SECTION 2. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 21, 1866.

CHAPTER 4.

[*Published February* 23, 1866.]

AN ACT to amend section 69 of chapter 10 of the revised statutes, entitled "of state officers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 69 of chapter 10 of the revised statutes, is hereby amended, so as to read as follows: "Section 69. The state superintendent shall certify the apportionment of the school fund income to the secretary of state, and shall immediately give notice thereof to the clerk of the board of supervisors, stating the amount apportioned to his county, and to each town and city therein; and the secretary of state, upon receiving such apportionment, shall immediately draw his warrant upon the state treasurer in favor of the treasurer of the several counties for the amount apportioned to each." Certificate of apportionment, and notice to clerk of board.

SECTION 2. Original section 69 of chapter 10 of the revised statutes, and all other acts and parts of acts conflicting with the provisions of this act, are hereby repealed. Repeal.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 21, 1866.

CHAPTER 5.

[*Published February* 23, 1866.]

AN ACT to authorize towns, villages and cities to erect monuments to the memory of deceased soldiers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be lawful for any town, city or incorporated village to erect a suitable monument to the memory of those persons residents of such town, city or village, who were killed while in the military or naval service of the United States, in the late war for suppress- Towns, villages and cities may erect monuments &c.

ing the rebellion, or who died of wounds received in such service, or of disease contracted in such service;

Under whose direction to be erected.

such monument to be erected under the direction and supervision of the board of supervisors of the town, the board of trustees of the village, or the common council of the city, as the case may be.

Question to be submitted to a vote.

SECTION 2. Before any such monument shall be erected, the question of erecting the same, and of levying a tax sufficient therefor, shall be submitted and determined by the town, city or village, in like manner as the question of levying ordinary taxes is required by law

Maximum of tax

to be determined by such town, city or village: *provided*, that no city, village or town shall raise for such purpose more than one-half of one per centum on the assessed valuation of real and personal property for the year in which the tax is levied.

How tax to be levied, &c.

SECTION 3. The tax when duly authorized, as provided in the last preceding section, shall be added to the ordinary taxes levied for town, village or city purposes, shall be assessed and collected therewith, and it shall constitute a part of the general fund; and all orders on the treasurer, issued to defray the expense of erecting such monuments, shall be paid from the general fund of such town, village or city; and no greater sum shall be appropriated or paid out of such general fund for said purposes, in [the] aggregate, than the sum ordered to be raised under the provisions of this act.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 21, 1866.

CHAPTER 6.

[*Published March* 2, 1866.]

AN ACT to prevent fraud in the manufacture of cheese.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Penalty for selling diluted or impure milk to cheese manufacturers.

SECTION 1. Whosoever shall knowingly sell, supply or bring to be manufactured to any cheese manufactory in this state, any milk diluted with water, or in any

way adulterated, or milk from which any cream has been taken, or milk commonly known as skimmed milk, or whoever shall keep any part of the milk commonly known as strippings, or whoever shall knowingly bring or supply milk to any cheese manufactory that is tainted, or partly sour, from want of proper care in keeping pails, strainers or any vessel in which said milk is kept, clean and sweet, after being notified of such taint or carelessness, or any cheese manufacturer who shall knowingly use or direct any of his employees to use for his or their individual benefit, any cream from the milk brought to said cheese manufacturer, without the consent of all the owners thereof, shall, for each and every offense, forfeit and pay a sum not less than twenty-five dollars, nor more than one hundred dollars, with costs of suit, to be sued for in any court of competent jurisdiction, for the benefit of the person or persons, firm or association or corporations, or their assigns, upon whom such frauds shall be committed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 28, 1866.

CHAPTER 7.

[*Published March* 2, 1866.]

AN ACT to authorize certain towns to transfer moneys from the general fund to the school fund.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Certain moneys may be transferred from general to school fund.

SECTION 1. The boards of supervisors of those towns which have not raised, by order of the county boards of supervisors, a sum sufficient to entitle them to an apportionment of school moneys for the year 1866, are hereby authorized and directed to transfer from the general fund to the school fund of their respective towns, the amounts in which said towns are deficient; and upon the receipt by the state superintendent of public instruction of the certificate of any town clerk, that the requisite amount has been thus transfer-

red, he shall apportion to said towns the full sum of school moneys to which such towns would have been entitled, provided the county boards of supervisors had levied upon such towns the amounts required by law.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1866.

CHAPTER 8.

[*Published March* 2, 1866.]

AN ACT to provide for the payment of state tax on suits, in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

State tax to be collected by justices.

SECTION 1. In all cases where a justice of the peace is required to certify an action to the circuit court, wherein a question of title to real estate is raised, in accordance with the provisions of section sixty-four [fifty-four] of chapter one hundred and twenty of the revised statutes, it shall be the duty of such justice of the peace to collect of the plaintiff in said action the sum of one dollar, for the state tax on suits now required to be paid on the commencement of civil actions in the circuit courts of this state, and return the same, with the papers in said action, to the clerk of the circuit court, as he is now required by law to do in appeal cases.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1866.

CHAPTER 9.

[*Published March* 5, 1866.]

AN ACT to repeal chapter 322 of general laws of 1865, entitled "an act to authorize the city of Beloit to raise money, by wards, for the payment of bounties to volunteers for military service of the United States, and to provide for the levy and collection of the same."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter three hundred and twenty-two of the general laws of 1865, is hereby repealed. Repeal.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1866.

CHAPTER 10.

[*Published March* 5, 1866.]

AN ACT to repeal section 6 of chapter 385 of the private and local [general] laws of 1865, entitled "an act to incorporate the Davenport lead-mining and smelting company."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section six of chapter 385 of the private and local [general] laws of 1865, entitled "an act to incorporate the Davenport lead-mining and smelting company," (*be and the same*) is hereby repealed. Repeal.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 2, 1866.

CHAPTER 11.

[*Published March* 5, 1866.]

AN ACT to amend section 4 of chapter 103 of the revised statutes, entitled "of the partition and distribution of estates."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When heir, &c. entitled to his share of estate.

SECTION 1. Section 4 of chapter 103 of the revised statutes, is hereby amended, so as to read as follows: "Section 4. Such order or judgment may be made on the application of the executor or administrator, or of any person interested in the estate; but no heir, devisee, legatee or assignee thereof shall be entitled to a judgment for his share, until payment of the debts and allowances and expenses mentioned in the preceding section shall have been made or provided for, unless he shall give a bond to the judge of the county court, with such surety or sureties as the court may direct, to secure the payment of the just proportion of such heir, devisee or legatee of such debts and expenses, or such parts thereof as shall remain unprovided for, and to indemnity the executor or administrator against the same."

SECTION 2. This act shall be in force from and after its passage and publication.

Approved March 2, 1866.

CHAPTER 12.

[*Published March* 5, 1866.]

AN ACT to repeal chapter 390 of the general laws of 1865, entitled "an act to vacate a portion of Belknap's addition to the village of Whitewater."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeal.

SECTION 1. Chapter 390 of the general laws of 1865, is hereby repealed, and the property affected by the passage of said act, is hereby restored to the condition

in which it would have been had said act never been passed.

SECTION 2. This act shall take effect from and after its passage.

Approved March 2, 1866.

CHAPTER 13.

[*Published March* 9, 1866.]

AN ACT to amend section 115 and section 116 of chapter 19 of the revised statutes, entitled "of highways and bridges."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 115 of chapter 19 of the revised statutes, is hereby amended, to read as follows: "Whenever it shall appear to the board of supervisors of any county, that any one of the towns in such county would be required to raise an amount equal to more than one-half of one per centum of all the taxable property in such town, according to the last previous equalized valuation by the county board of equalization, for erecting or repairing any necessary bridge or bridges upon the principally traveled thoroughfares in said town, such board of supervisors may cause such sum to be raised and levied upon the county as will be sufficient to defray the expenses of erecting or repairing such bridge or bridges, or such part of such expense as they may deem proper; and such moneys when collected, shall be paid out upon the order of the chairman and clerk of such board, in such manner and at such times as they may determine and prescribe: *provided, however*, that in any case when in the judgment of the county board of supervisors, any bridge in a town shall not be necessary for the use and convenience of a considerable portion of the people of said town, but shall be necessary for the use and convenience of adjoining towns, the county board of supervisors shall have power to appropriate such sums as shall be sufficient to defray the expense of building or repairing such bridge or bridges, or such part of such expense as they may deem proper."

County supervisors may raise money for erecting and repairing bridges in towns.

Provisc.

Inspection and acceptance of work.

SECTION 2. Section 116 of chapter 19 of the revised statutes, is hereby amended, to read as follows: "Whenever the county board of supervisors of any county shall determine to appropriate any money for the purposes mentioned in the preceding section, they may designate such of their number as they shall deem proper, to cooperate with the board of supervisors of the town wherein such money is to be expended, in the letting, inspection and acceptance of the work; or in case where the whole of such work is proposed to be paid for by such county appropriation, such county board may direct the letting, inspection and acceptance of such work in such manner as to them may seem proper and necessary."

Approved March 3, 1866.

CHAPTER 14.

[*Published March* 9, 1866.]

AN ACT to provide for issuing executions upon judgments, in certain cases.

Chap 11 - 1868

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When executions may issue in courts of record.

SECTION 1. Upon any judgment which has heretofore been or may hereafter be rendered or docketed in any court of record in this state, execution may be issued at any time within five years after the rendition or docketing thereof, and *alias* executions may be issued thereon at any time thereafter. But in cases where no execution has been issued within said five years, execution shall only be issued upon leave granted by the court, or a judge thereof, or a county judge, or court commissioner; and such leave shall not be granted by any such court or officer, unless it appear to his satisfaction, by the affidavit of the party, his agent or attorney, that the judgment, or some part thereof, remains unsatisfied and due. not after 20 years

Chap. 11 - 1868

Repeal.

SECTION 2. So much of any law of this state as conflicts with the provisions of this act, is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1866.

CHAPTER 15.

[*Published March* 13, 1866.]

AN ACT to repeal sections seven, eight, nine and ten of chapter 242 of the general laws of 1863, entitled "an act to provide for the enrollment of persons liable to perform military duty, and the organization of the state militia for active service."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeal.

SECTION 1. Sections seven, eight, nine and ten of chapter 242 of the general laws of 1863, entitled "an act to provide for the enrollment of persons liable to perform military duty, and the organization of the state militia for active service," is hereby repealed.

Repeal.

SECTION 2. All acts and parts of acts inconsistent with this act, are hereby repealed.

SECTION 3. This act shall take effect immediately, and be in force from and after its passage.

Approved March 10, 1866.

CHAPTER 16.

[*Published March* 20, 1866.]

AN ACT to amend chapter 52 of the revised statutes, entitled "of restraining [distraining] sheep running at large, &c."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Diseased sheep not to run at large—penalty therefor, and how recoverable.

SECTION 1. Section one of chapter fifty-two of the revised statutes, entitled "of restraining [distraining] sheep running at large, &c.," is hereby amended, so as to read as follows: "If the owner of any diseased sheep, infected with the disease known as 'foot rot,' or

any other contagious disease, shall drive, suffer or permit to be driven such diseased sheep, or any of them, along any public road, or along any path or byway off from the premises of the person owning such sheep, or any of them, so infected, [or] shall suffer or permit such diseased sheep, or any of them, to go at large out of his inclosure, at any season of the year, such person shall forfeit the sum of ten dollars for each and every such sheep, to the person who shall enter complaint, for each time such sheep, or any of them, shall be driven, suffered or permitted to be driven, or shall be so found running at large, with the knowledge or consent of the owner thereof, which forfeiture may be recovered by action before any justice of the peace of the county where such offense shall have been committed, when such justice shall have such jurisdiction of the case to the amount claimed; and when a justice of the peace shall not have jurisdiction, the same may be sued for and recovered in an action in the circuit or county court of the proper county, with costs of suit.

Such sheep may be distrained.

And if the owner of such diseased sheep shall, upon reasonable request, refuse or neglect to keep and restrain them from going or running at large, it shall be lawful for any person to take up said sheep, and put them in some secure inclosure, other than the 'public pound,' and the same may be disposed of in the manner hereinafter provided. It shall be the duty of the person so taking up said sheep, within three days thereafter to notify the owner thereof, and of the place where said sheep are confined; and thereupon the owner may obtain possession of the same, upon giving bond, with good and sufficient surety, to be approved by any justice of the peace of the proper county, and such bond shall be filed with the clerk of the county court of such county, conditioned that such owner will restrain them from going or running at large, and will pay all damages that may be sustained by any person in consequence of such sheep so going or running at large, and pay the cost of taking up and keeping such sheep. And if such owner shall neglect or refuse for the space of six days after being so notified, to comply with the provisions of this section, it shall be lawful for the person having possession of such sheep, to sell the same at public vendue, after giving the like notice as is required in case of constable's sale of goods taken

Proceedings thereupon.

on execution; and it shall be one of the conditions of such sale, that the person to whom said sheep, or any part thereof, may be struck off at said sale, shall give the bond hereinbefore required; and the proceeds of such sale, after deducting the costs of keeping such sheep and the costs of such sale, shall be paid to the owner thereof."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 15, 1866.

CHAPTER 17.

[*Published March* 19, 1866.]

AN ACT to provide a punishment for offenses committed against certain real property.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Penalty for severing timber, trees, fences, &c.

SECTION 1. If any person shall sever from the soil of another, any produce growing thereon, or any timber or trees standing or growing thereon, or shall sever from any building or from any gate, fence or other railing or inclosure, any part thereof, or any material of which it is formed, and shall take and convert the same to his own use, he shall be deemed guilty of larceny, in the same manner and of the same degree as if the articles so taken had been severed at some previous and different time, and shall be punished in the same manner as is provided in sections 16 and 17 of chapter 165 of the revised statutes, for larcenies of property of [the] same value.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 15, 1866.

CHAPTER 18.

[*Published March* 17, 1866.]

AN ACT to authorize assessors to correct errors in certain cases.

The people of the state of Wisconstn, represented in senate and assembly, do enact as follows:

Correction of errors in copying assessment rolls.

SECTION 1. If any assessor of any town, city or village within this state, shall discover that any error or mistake has been made for the last preceding year in copying any assessment roll, by which the assessed valuation of any real or personal estate which was subject to taxation, has been changed, either by being increased or reduced from the original valuation as assessed and returned by such assessor to the clerk of the board of supervisors of any county, it shall be the duty of such assessor to correct such error or mistake, by adding or subtracting (as the case may be) to or from the former valuation; and the amount of such error or mistake, added to or taken from the former valuation, shall be deemed the true valuation of such property for the year in which such correction is made; and in case the assessed valuation of any property has been reduced in consequence of such error or mistake in such preceding year, such assessor shall add to the corrected valuation of such property the sum or amount which has so escaped taxation for the preceding year, and list the same as an error or omission for such year.

Applicable to roll of 1865.

SECTION 2. This act shall apply to all such errors or mistakes made in copying any assessment roll for the year 1865; and all acts and parts of acts conflicting with the provisions of this act, are hereby repealed, so far as they conflict with this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1866.

CHAPTER 19.

[*Published March* 23, 1866.]

AN ACT to provide for the custody of the records of public surveys in this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Whenever any field notes, maps, records or other papers shall be turned over to this state, in pursuance of an act of congress entitled "an act for the discontinuance of the office of surveyor-general in the several districts, so soon as the surveys therein can be completed, for abolishing land offices under certain circumstances, and for other purposes," approved the twelfth of June, eighteen hundred and forty, or any act amendatory thereto, they shall be placed in the care of the commissioners of school and university lands, who shall provide for their safe keeping and proper arrangement as public records, and free access to the same by the lawful authority of the United States, shall always be granted. To be placed in care of school land commissioners.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 21, 1866.

CHAPTER 20.

[*Published March* 23, 1866.]

AN ACT to provide for the annual publication of a legislative manual.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be the duty of the secretary of state to cause to be prepared and printed by the state printer, annually hereafter, for the use of the senate and assembly, a book to be denominated a "manual," which shall contain the constitution of the United States and of this state, Jefferson's manual, rules and orders of the Secretary of state to cause manual to be printed.

senate and assembly, joint rules of the senate and assembly, lists of senators and assemblymen, and employees of each house, diagrams of the senate and assembly chambers, statistical and other information of the same description with that contained in the books heretofore procured by clerks of the two houses, respectively, with such other matter as may be deemed useful.

How to be distributed.

SECTION 2. The secretary of state shall cause to be printed one thousand copies of such manual annually, one copy of which shall be distributed to each senator and assemblyman within two weeks after the commencement of each session. The remainder of each edition shall be distributed as follows: Four copies to each member of the senate and assembly, one copy to each of the officers thereof, one copy to each of the state officers, and one hundred and fifty copies shall be deposited with the superintendent of public property, for the use of the succeeding legislature.

Appropriation.

SECTION 3. There is hereby annually appropriated out of any money in the state treasury not otherwise appropriated, belonging to the general fund, an amount sufficient for the expenses authorized by this act.

Approved March 21, 1866.

CHAPTER 21

[*Published March* 23, 1866.]

AN ACT to amend sections 1, 2 and 7 of chapter 378 of the general laws of 1865, entitled "an act to authorize certain towns in the county of Sauk to issue bonds to aid in the construction of the Portage city and Baraboo valley railroad."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendments.

SECTION 1. Section one of chapter 378 of the general laws of 1865, entitled "an act to authorize certain towns in the county of Sauk to issue bonds to aid in the construction of the Portage city and Baraboo valley railroad," is hereby amended, as follows: Strike out the word "fifty," in the fourth line of the section, and insert "one hundred." Amend the second section, by

striking out the word "freeholders," in the second line of the section, and inserting "tax-payers." Amend section seven, by striking out the word "twenty," in the sixth line of the section, and inserting "forty."

SECTION 2. This act shall take effect immediately, and be in force from and after its passage and publication.

Approved March 21, 1866.

CHAPTER 22.

[*Published March* 23, 1866.]

AN ACT relating to the organization of manufacturing companies in this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Where principal office to be kept.

SECTION 1. Every company incorporated under the laws of this state, to carry on manufacturing business of any kind within the limits of this state, shall have its principal office and place of business either at the manufactory or at some convenient place within this state, to be designated in the by-laws of such corporation, or by resolution of its board of directors.

By-laws to be recorded, &c.

SECTION 2. The by-laws and all resolutions and proceedings of its board of directors, and all resolutions and proceedings had by the stockholders thereof, shall be entered in a book provided for that purpose, which shall be kept at said office, and be at all times subject to the call and service of the courts, when required in judicial proceedings, and to the inspection of all stockholders in said corporation, as well as to committees of the legislature and officers of the state, for the purpose of nquiring into its affairs.

Meetings to be held at principal office.

SECTION 3. All meetings of the stockholders and of the board of directors, for the purpose of holding elections or the transaction of other business, shall be held at its said office, or at some other place within this state, which shall first be specially designated by resolution of the board of directors, of which the same notice shall be given as may be required by law to be given of

the holding of general or special meetings of said corporation.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 21, 1866.

CHAPTER 23.

[*Published March* 30, 1866.]

AN ACT to authorize the commissioners of school and university lands, with the governor and superintendent of public instruction, to settle and compromise certain indebtedness to the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Compromise for balances due the state upon foreclosed mortgages

SECTION 1. It shall be lawful for the commissioners of school and university lands, in connection with the governor and superintendent of public instruction, in all cases where it shall appear for the interest of the state to do so, after full examination and a report, as is provided in this act, to settle with parties who are owing the state on notes heretofore executed for the loan made from the trust funds of the state, over the amounts produced by the sales of the lands mortgaged as collateral to said notes, and compromise with the parties liable to pay such notes, on such terms and conditions as they, or a majority of them, may deem for the best interests of the state. And upon such settlement, they are hereby authorized to surrender to said parties such notes on the compliance with the terms of said settlement by said parties: *provided*, that in all cases where it shall appear to them that there is a probable chance to collect the full amount remaining due to the state on notes of the description herein mentioned, it shall not be lawful for such commissioners and other officers, in all such cases, to remit or deduct any greater sum than the entire amount of penalty included in the amount claimed as due for deficiency on such notes.

Deductions limited in certain cases.

Proposed compromises to be submitted to sheriffs and district attorneys, &c.

SECTION 2. The said commissioners, governor and superintendent shall not settle or compromise any claims as is provided in the preceding section, until the case

presented to them for settlement shall have been by them submitted to the district attorney and sheriff of the county in which the party or parties applying for a settlement of such claims shall reside, with instructions to said attorney and sheriff to report to the said commissioners and other officers, as near as may be, the true condition and circumstances of the party or parties so applying for settlement, and their means or ability to pay any portion or all such claim; and it shall be the duty of each and every district attorney and sheriff in this state, whenever so requested by the said commissoners, governor and superintendent, or a majority of them, to report to them the true condition and ability of any such person or persons to pay all or any portion of said claim.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1866.

CHAPTER 24.

[*Published March* 30, 1866.]

AN ACT to amend section 88 of chapter 120 of the revised statutes, entitled "of courts held by justices of the peace."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 88 of chapter 120 of the revised statutes, is hereby amended, so as to read as follows: "Section 88. Every person who, being duly summoned as a juror, (*who*) shall fail to appear, or who shall refuse to serve, shall be deemed guilty of a contempt, and it shall be the duty of the justice to fine each of such persons in a sum not less than five nor more than ten dollars, and to commit him to the common jail of the proper county until such fine be paid; and it shall be the duty of the justice, whenever any person duly summoned to appear before him to serve as a juror, shall refuse to appear, to issue an attachment for such person, directed to the sheriff or any constable of his county, requiring such officer to attach

When juror deemed guilty of contempt, and punishment therefor

Attachments against jurors.

the body of the person so summoned, and to bring him before such justice to serve as a juror. The fees for issuing and executing said attachment shall be the same as are now allowed by law in cases of civil warrant, and they shall in all cases be paid by the person attached; but if any person summoned as a juror shall appear before the justice, and show good cause therefor, the justice may excuse him from such service."

SECTION 2. This act shall take effect immediately upon its passage and publication.

Approved March 22, 1866.

CHAPTER 25.

[*Published March* 30, 1866.]

AN ACT to provide for the management of the trust funds of the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Division of trust funds.

SECTION 1. It shall be the duty of the commissioners of school and university lands, on or before the first day of June, 1866, to divide the amount belonging to the several trust funds which has been invested in the bonds and certificates of indebtedness of the state, and to set apart the amount belonging to each fund separately, and to compute the interest due to each fund up to and including the 31st day of May, 1866, and to immediately report to the secretary of state the amount found belonging to each fund, and the interest accrued upon each fund separately, to the date aforesaid.

Execution in duplicate of certificates of indebtedness to said funds.

SECTION 2. It shall be the duty of the governor, secretary of state and state treasurer to execute, in duplicate, certificates of indebtedness for the amount found due to the several funds, which certificates shall bear interest at the rate of seven per cent. per annum, payable annually on the 31st day May; each of which certificates shall be made payable to the proper fund, and shall by the terms thereof be made not negotiable or transferable for any purpose whatever. And all

Future loans from said funds.

sums of money belonging to any of the trust funds, which shall be thereafter loaned to the state, shall be loaned upon certificates of indebtedness of this state, executed as hereinbefore provided, and containing the provisions hereinbefore mentioned; the originals of all which certificates of indebtedness shall be deposited in the office of the secretary of state, and the duplicates of the same shall be deposited in the office of the state treasurer.

Deposit of certificates.

SECTION 3. It shall be the duty of the commissioners of school and university lands, upon the delivery to the secretary of state of the certificates of indebtedness of the state, executed as hereinbefore provided, to cancel, as provided by law, and file in the office of the secretary of state, all bonds and certificates of indebtedness belonging to the trust funds, which are now on file in the office of the state treasurer, or elsewhere. And it shall be the duty of said commissioners, whenever, in pursuance of any law now in force, or which may be hereafter passed, they shall use the trust funds in the purchase of the bonds of the state, to cause certificates of indebtedness of the state for the amount of the trust funds and [used] in such purchase, to be executed in accordance with the provisions of section 2 of this act, and deposited in the office of the secretary of state, and thereupon to cancel and file the bonds so purchased pursuant to law, and to report the amount of such purchase, and the fund used in such purchase, together with the interest accrued on the bonds so purchased, which amounts the secretary of state shall immediately credit to the proper fund.

Cancellation of bonds and certificates now on file.

Certificates of indebtedness may be issued in purchase of bonds, &c.

SECTION 4. It shall be the duty of the secretary of state, upon receiving the report of the commissioners of school and university lands, provided for in section one of this act, giving the amount belonging to each of the several trust funds, and the interest accrued thereon, to place the amount of principal belonging to each fund to the credit of that fund on the books of his office, and in like manner to place the amount of interest accrued on each fund to the credit of the income of said fund; and thereafter annually, on or before the tenth day of May, the secretary of state shall compute the interest accruing on the certificates of indebtedness belonging to each fund separately, up to and including the 31st day of May, of each year, and thereupon place the

Principal to be credited to the funds, and interest to the income of the funds.

Interest to be credited upon certificates, etc.

amount thus found due to the credit of the income of each fund, and enter a credit upon the several certificates of indebtedness for the amount of the interest found to be due and credited by him to the income of the several funds, and shall thereupon certify the amount so found to be due to the officer authorized by law to apportion the income of the several funds, and shall also certify to the state treasurer the amount of the entry of credit upon each of such certificates of indebtedness, who shall thereupon enter such credit upon the several duplicates of the same, on file or deposit in his office.

Warrants upon the funds.

SECTION 5. The secretary of state, upon receiving the apportionment of the income of the several trust funds, or of the fund itself, as the case may be, shall immediately draw his warrant upon the state treasurer for the amount so apportioned, payable to the party authorized by law to receive the same.

Repeal.

SECTION 6. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

Tax for annual interest on certificates.

SECTION 7. The secretary of state shall annually levy a tax sufficient to pay the interest on all the certificates of indebtedness of the state issued under the provisions of this act; and there is hereby annually appropriated from any money in the state treasury not otherwise appropriated, a sum sufficient to pay the interest on all certificates issued under the provisions of this act.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1866.

CHAPTER 26.

[*Published March* 30, 1866.]

AN ACT in addition to chapter 13 of the revised statutes, entitled "of counties and county officers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Supervisors not to be interested in contracts with their counties.

SECTION 1. No member of the board of supervisors of any county, or any other county officer, whether elected or appointed, in this state, shall hereafter be a party to or in any way or manner interested in, either directly or indirectly, any contract or agreement whatever, verbal, written or otherwise, with the county for which he is such supervisor, for the purchase of any article whatever, required by such county for county purposes. All contracts or agreements made in violation of this act, shall be void; and in case any such supervisor shall offend against the provisions of this act, he shall be deemed thereby to have vacated his office as such supervisor.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 23, 1866.

CHAPTER 27.

[*Published March* 30, 1866.]

AN ACT requiring incorporated academies and other literary institutions to make certain returns annually.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Annual reports of academies, etc. to be made to state superintendent.

SECTION 1. It shall be the duty of the president of the board of trustees of every organized academy, seminary and literary or collegiate institution heretofore incorporated, or that shall be hereafter incorporated, to cause to be made out by the principal instructor or other proper officer, and forwarded by mail or otherwise to the office of the superintendent of public in-

struction, on or before the tenth day of October, in each year, a report for the year next preceding the 31st day of August, of the year covered by said report, setting forth the amount and estimated value of real estate owned by the corporation, the amount of other funds and endowments, and the yearly income from all sources; the number of instructors, and their respective salaries; the number of students in the different classes, and the yearly rates of tuition; the studies pursued, and the books used; the course of instruction, and such other matters as may be specially requested by said superintendent, or as may be deemed proper by the president or principal of such academies or institutions, to enable the superintendent of public instruction to lay before the legislature, in his annual report, a fair and full statement of the affairs and condition of such institutions.

What to contain.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1866.

CHAPTER 28.

[*Published March* 30, 1866.]

AN ACT to provide for the payment of the clerks of committees.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to certain clerks.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, a sum sufficient to pay for the services of the clerks of the standing committees on judiciary and railroads, and of the clerk of the joint committee on apportionment of the senate and assembly: *provided*, that the compensation of such clerks shall not exceed the sum of three dollars per day.

Certificates of service, etc.

SECTION 2. The chairman of the committee for which such service has been rendered, shall execute to the person who performed the same, a certificate of the amount due for such service; and upon presentation of such certificate to the secretary of state, he shall audit

and allow the same, and issue his draft for the amount upon the state treasurer, who is hereby authorized to pay the same.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 26, 1866.

CHAPTER 29.

[*Published March* 30, 1866.]

AN ACT to protect the hop-growing interests of the state, and indicate the size of boxes used for picking hops in Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Penalty for cultivating diseased hop roots.

SECTION 1. It shall not be lawful for any person or persons to transplant, use or cultivate any hop-roots grown or raised in any state or country outside the limits of this state, where the diseased or infected hop-roots, or any hop disease, exists; and any person or persons violating the provisions of this section shall, on conviction, be liable to a fine of not less than fifty nor more than one hundred dollars.

Standard size of hop boxes.

SECTION 2. It is hereby determined that the standard size and capacity of all boxes used for picking hops in this state, shall be seven bushels, strict measure.

Jurisdiction of justices.

SECTION 3. Justices of the peace shall have jurisdiction to hear, try and determine all cases under the provisions of this act: *provided*, the defendant shall not be deprived of his, her or their right of trial by jury, or of appeal, as in other cases.

Application o fines.

SECTION 4. All fines imposed and collected under the provisions of this act, shall be paid to the state treasurer for the benefit of the schools of the state, as other fines are now required to be paid and made use of.

SECTION 5. This act shall take effect immediately, and be in force from and after its passage.

Approved March 26, 1866.

CHAPTER 30.

[*Published March* 27, 1866.]

AN ACT to amend chapter 7 of the revised statutes, entitled "of general and special elections; of the manner of conducting the same, and of the canvass."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendment.

SECTION 1. Section 34 of chapter 7 of the revised statutes, entitled "of general and special elections; of the manner of conducting the same, and of the canvass," is hereby amended, by inserting immediately before the last paragraph thereof, the following:

Questions to be asked deserters.

"Fifth. If the person be challenged as a deserter from the military or naval service of the United States, or for having departed the jurisdiction of the enrolling district, the inspectors, or one of them, shall put to him the following questions:

"1st. Did you ever belong to the military or naval service of the United States?

"2d. If yea, did you desert such service before the eleventh day of March, A. D. 1865?

"3d. If you deserted before that date, did you return to such service, or report yourself to a provost marshal, on or before the tenth day of May, A. D. 1865?

"4th. Did you desert such service after the eleventh day of May, A. D. 1865?

"5th. Did you, being duly enrolled as subject to any draft into the military or naval service of the United States, duly ordered, depart from the district in which you were so enrolled, or go beyond the limits of the United States, with intent to avoid any such draft?"

Oath to persons challenged.

SECTION 2. Section 36 of said chapter is hereby amended, by adding thereto the following: "You do furthermore swear, that you never deserted the military or naval service of the United States, (or that you deserted the military or naval service of the United States before the eleventh day of March, A. D. 1865, and that you returned to such service, or reported yourself to a provost marshal of the United States, on or before the tenth day of May, 1865,) and that you, being duly enrolled or subject to any draft into the military or naval service of the United States, duly or-

dered, did not, after the third day of March, A. D. 1865, depart the jurisdiction of the district in which you were so enrolled, or go beyond the limits of the United States, with intent to avoid any such draft."

When vote to be received.

SECTION 3. Section 39 of such chapter is hereby amended, by adding after the same the following: "*provided*, that such inspectors, or a majority of them, shall be satisfied from the answers of the person offering his vote, if he shall have been challenged as a deserter, or as having departed the enrollment district, that such person has not deserted the military or naval service of the United States, or that, if he deserted such service before the eleventh day of March, A. D. 1865, he returned to the same, or reported himself to a provost marshal, on or before the tenth day of May, A. D. 1865, and that he did not, being duly enrolled as subject to draft into the military or naval service of the United States, depart the jurisdiction of the district in which he was so enrolled, or go beyond the limits of the United States, with intent to avoid such draft, duly ordered."

Approved March 26, 1866.

CHAPTER 31.

[*Published April* 10, 1866.]

AN ACT to repeal chapter 389 of the general laws of 1865, entitled "an act to amend section six of chapter 242 of the general laws or 1863," entitled "an act to provide for the enrollment of persons liable to perform military duty, and the organization of the state militia for active service."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeal.

SECTION 1. Chapter 389 of the general laws of 1865, entitled "an act to amend section six of chapter 242 of the general laws of 1863," is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1866.

CHAPTER 82.

[*Published April* 10, 1866.]

AN ACT to provide for the execution of tax deeds in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

In case of issue of informal tax deeds.

SECTION 1. Whenever any deed or instrument in writing, intended to be a deed, shall have been made or shall be made for the non-payment of taxes, and such taxes shall remain unpaid, and such deed or instrument in writing shall be informal and insufficient, the grantee therein named, or his heirs or assigns, shall, upon presentation of such informal and insufficient instrument, or a certified copy of the record thereof, together with sufficient proof that the person claiming said new deed has not conveyed said land, be entitled to, and the clerk of the county board of supervisors, or other proper officer, shall execute to such grantee, or his heirs or assigns, another deed, which shall recite such informal and insufficient instrument, and that the taxes on account of the non-payment of which it was issued, remain unpaid; and such deed containing such recitations, duly acknowledged and recorded, and certified copies of the record thereof, shall be *prima facie* evidence of title to the land therein described: *provided*, that no new deed shall be issued under the provisions of this section after the period of three years from the time when such informal or insufficient deed was recorded, nor after a tax deed for a subsequent sale of the same land shall have been issued to a party other than the one claiming such new deed.

Proviso.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1866.

CHAPTER 33.

[*Published April* 10, 1866.]

AN ACT to extend to colored soldiers who enlisted or were drafted into the military service of the United States, and who were credited to this state, the benefits of chap. 117 of the general laws of 1864.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The benefits of chapter 117 of the general laws of 1864, are hereby extended to such colored soldiers as entered the military service of the United States, who were residents of this state at the time of their enlistment, or at the time of their being drafted into the military service of the United States, and were credited to this state under the various calls for troops during the late war. Benefits extended to colored soldiers.

SECTION 2. The same rules and regulations which now determine the rights of other persons to the benefits of said chapter 117, shall be applied to persons claiming extra pay under the provisions of this act: *provided, however*, that no colored soldier shall be denied the privileges of this act, by reason of his having enlisted in or having been assigned to any company or regiment organized without the limits of this state. Application.

SECTION 3. Whatever in said chapter 117 is inconsistent with the provisions of this act, is hereby repealed. Repeal.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 28, 1866.

CHAPTER 34.

[*Published March* 31, 1866.]

AN ACT to repeal chapter 320 of the laws of 1865, entitled "an act in relation to insurance companies doing business in this state."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeal.

SECTION 1. Chapter 320 of the general laws of 1865, entitled "an act in relation to insurance companies doing business in this state," is hereby repealed, and all the acts and parts by that act repealed, are hereby revived and re-enacted: *provided*, that the contract declared in section thirteen of said chapter 320, shall not be impaired by anything herein contained, nor the rights of the holders of bonds defined by said section, be in any manner affected.

Proviso.

Bonds may be withdrawn.

SECTION 2. Any company which has deposited bonds in pursuance of the provisions of said chapter 320, may withdraw them from the state treasury on demand made by such company: *provided*, that this act shall not apply to the "Morris fire and inland insurance company," but the bonds deposited by that company shall remain as security to policy-holders, as if this act had not been passed: *provided, further*, that the secretary of state shall not be authorized to issue a certificate of authority to transact business to any insurance company organized under the laws of any other state or foreign government, until such company, if it shall have transacted business in this state in the year (*of*) 1865, shall have paid to the state treasurer three per cent. of the gross amount of premiums received in this state during the year 1865, in full of all license fee or penalty, and shall file its report for that year, as prescribed by law.

Provisos.

SECTION 3. This act shall be published immediately, and shall take effect and be in force from and after its publication.

Approved March 29, 1866.

CHAPTER 35.

[*Published April* 11, 1866.]

AN ACT to repeal [amend] section one of chapter 282 of the general laws of 1865, entitled "an act to facilitate the conversion of the state currency, and to provide for taking up certain state bonds."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter 282 of the general laws of 1865, entitled "an act [to] facilitate the conversion of the state currency, and to provide for taking up certain state bonds," is hereby amended, so as to read as follows: "Payment of the purchase money on all certificates of sale of school, swamp and other lands heretofore issued, and of all loan and purchase money mortgages, which according to the terms of such certificates and mortgages have been due for more than one year, may be required to be made by the commissioners of school and university lands in all cases where they shall deem the purchase money or loans insecure, unless additional and satisfactory security shall be given on three months' notice of such requisition by said commissioners. The said commissioners are hereby authorized to forfeit all lands on which the payment shall not be made, or the additional security be given, after the expiration of the three months from the time of giving such notice by the commissioners: *provided*, that no proceedings heretofore commenced and prosecuted under the provisions of said chapter, shall in any way be affected hereby." Amendment. When purchase money may be required. Forfeiture of lands. Proviso.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 30, 1866.

CHAPTER 36.

[*Published April* 11, 1866.]

AN ACT to prevent minors from playing at billiards and on bowling alleys, and indulging in intoxicating drinks.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sale of spirituous liquors to minors, a misdemeanor.

SECTION 1. Any keeper of any saloon, shop or place of any name whatsoever, in this state, for the sale of strong, spirituous liquors, to be drank on the premises in any quantity less than one gallon, who shall vend, sell or in any way deal or traffic in, or for the purpose of evading this chapter, give away any spirituous, ardent, intoxicating or malt liquors or drinks in any quantity whatsoever, with a minor, shall be deemed guilty of a misdemeanor.

Allowing a minor to play on a billiard table, a misdemeanor.

SECTION 2. Any owner or owners or keeper of any billiard table or tables in this state, who keep such table for profit, and who shall allow or permit, by his agent or employee, any minor, for pay or otherwise, to play any game on such table, shall be deemed guilty of a misdemeanor.

Allowing a minor to play on a bowling alley, a misdemeanor.

SECTION 3. Any owner or keeper of any bowling saloon or alleys in this state, who shall allow or in any way permit a minor to play with bowls on such alley or bowling table, for pay or otherwise, shall be deemed guilty of a misdemeanor.

Penalty.

SECTION 4. Any person or persons convicted of any of the foregoing misdemeanors, shall be punished for each and every offense, by a fine not less than twenty dollars nor more than one hundred dollars, and costs of suit, to be paid within twenty-four hours after the same have been imposed upon him and her, (during which time he or she shall remain in custody of the proper officer,) or by imprisonment in the county jail of the proper county for the space of ninety days, unless he or she shall be discharged therefrom before the expiration of said term, by payment of the aforesaid fine, and all costs and jail fees occasioned by his or her prosecution and imprisonment.

Jurisdiction of justices.

SECTION 5. Justices of the peace shall have power to hold a court to hear, try and determine all offenses

against or growing out of the provisions of this chapter, and arising within their counties: *provided*, that the accused party shall not be deprived of a jury trial, nor of his right of appeal, as in other cases.

Complaint and warrant.

SECTION 6. Upon complaint made to any justice of the peace by any person, that he knows, or has good reason to believe, that an offense against this chapter has been committed, he shall examine the complainant upon oath, and he shall reduce such complaint to writing, and cause the same to be subscribed to by the person complaining; and if it shall appear to such justice that there is reasonable cause to believe that such offense has been committed, he shall immediately issue his warrant, reciting therein the substance of such complaint, and require of the officer to whom such warrant shall be directed, forthwith to arrest the accused and bring him before such justice, to be dealt with according to law; and the same warrant may require the officer to summon such persons as shall be therein named, to appear at the trial to give evidence.

Witnesses.

District attorney to attend trial.

SECTION 7. It shall be the duty of the district attorney of the proper county, on notice given to him by the justice of the peace before whom any such complaint shall be made, or by the complainant himself, to attend the trial before such justice, and to conduct the same on behalf of the state.

Duty of officers to report violations of this act.

SECTION 8. It shall be the duty of each member of the board of supervisors of the town, and of every member of the board of aldermen, and of every member of the board of trustees, as also of every justice of the peace, marshal and constable of any town, ward or village, who shall know of his own knowledge, or be credibly informed, that any offense has been committed against the provisions of this chapter, to report and make complaint against any person so violating any of the provisions thereof, within their respective towns, wards or villages, before some justice of the peace of their county, city or village; and if any such supervisor or alderman, justice of the peace, trustee, constable or marshal, or deputy marshal, shall neglect or refuse to report and make complaint of any violation or offense against this chapter, of which he shall have knowledge as aforesaid, he shall be punished by a fine in the sum of twenty-five dollars for each such neglect or refusal, to be collected in an action to be commenced by the

Penalty.

town treasurer of the town, or the treasurer of the board, alderman, village or city, against him therefor.

Repeal. SECTION 9. All acts or parts of acts conflicting with the provisions of this bill [act,] are hereby repealed.

SECTION 10. This act shall take effect and be in force from and after its passage.

Approved March 30, 1866.

CHAPTER 87.

[*Published April* 10, 1866.]

AN ACT to amend section 8 of chapter 111 of the revised statutes, entitled "of divorce."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Voluntary separation for five years, cause for divorce. SECTION 1. Section eight of chapter one hundred and eleven of the revised statutes, is hereby amended, as follows: by adding after the sixth cause for divorce, the following, as an additional cause for divorce, to wit: "7th. Whenever the husband and wife shall have voluntarily lived entirely separate for the space of five years next preceding application for divorce, the same may be granted on the petition of either party."

SECTION 2. This act shall take effect from and after its passage.

Approved March 31, 1866.

CHAPTER 38.

[*Published April* 11, 1866.]

AN ACT to authorize the distribution of certain documents and publications.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Laws, &c. to be sent to states.

SECTION 1. The secretary of state is hereby authorized and directed to forward to the several states which practice like comity with the state of Wisconsin, copies of all laws, journals, reports or other documents published by authority of the state.

To be sent to congressional librarian.

SECTION 2. The secretary of state is hereby authorized and directed to annually forward to Washington, for the use of the congressional library, two copies of all volumes of local and general laws, supreme court reports, legislative journals, reports of departments, legislative manual, and other documents published by authority of the state.

Appropriation.

SECTION 3. There is hereby annually appropriated out of any money in the state treasury not otherwise appropriated, belonging to the general fund, a sum sufficient to carry into effect the provisions of this act.

Approved March 31, 1866.

CHAPTER 39.

[*Published April* 10, 1866.]

AN ACT to provide a home for the orphans of Wisconsin soldiers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

"Soldiers' orphans' home."

SECTION 1. An institution is hereby established, the name of which shall be "the soldiers' orphans' home, of Wisconsin."

Purchase of buildings, &c.

SECTION 2. For the purpose of providing suitable buildings for said institution, the governor, secretary of state, state treasurer and attorney general are hereby

empowered and authorized to purchase for the state of Wisconsin, block one hundred and fifty-two (152) of the city of Madison, Dane county, according to the recorded plat thereof, together with all the buildings and improvements thereon: *provided*, a perfect title can be acquired to the said property, for a sum not exceeding ten thousand dollars ($10,000,) the title of which shall be vested in the state of Wisconsin.

Board of trustees.

SECTION 3. Whenever the title to said property shall be vested in the state of Wisconsin, as provided in section two of this act, the governor shall appoint seven persons, one from each congressional district, and one from the state at large, who shall be trustees of said institution, all of whom shall be tax-payers and residents of this state. They shall be styled "the board of trustees of the soldiers' orphans' home, of Wisconsin," and a majority of them shall constitute a quorum for the transaction of business. Of those members first appointed, three shall serve for three years, two for two years, and two for one year, as shall be designated by the governor at the time of appointment, and at the expiration of these successive terms, the vacancies shall be filled in like manner for the term of three years, and each member shall serve until his successor shall be appointed; and should any vacancy accidentally occur by death, resignation or otherwise, the same shall be filled by appointment of the governor, for the unexpired portion of the term for which such trustee would have been required to serve.

Terms of office.

Vacancies.

Powers of trustees.

SECTION 4. The board of trustees shall manage and direct the affairs and concerns of the "orphans' home," in all its general interests, and they shall make, subject to the approval of the governor, all needful by-laws and regulations for the proper administration of the said "orphans' home," not inconsistent with the constitution and laws of this state or of the United States. The trustees shall receive no compensation for their services, but all expenses necessarily incurred by them in the performance of their duties, shall be paid out of the state treasury, on the warrant of the secretary of state.

Their expenses.

Officers of board, and their duties.

SECTION 5. The said board of trustees shall appoint from their number a president and secretary, to serve for such period and to perform their duties under such regulations and restrictions as may be prescribed in

their by-laws. The treasurer of the state shall be *ex officio* treasurer of the board. The secretary shall keep a faithful record of all the transactions of the board; and the president shall have power to call extra meetings of the board, on receiving a written request to make such call from not less than two members of said board.

Officers of the "home," and their compensation.

SECTION 6. The said board shall appoint a superintendent of the "home," and all such other officers as may be provided for in the by-laws; and they shall fix the compensation of all officers connected with the institution.

Meetings of the board.

Said board of trustees shall meet annually, on the first Tuesday of October, which shall be styled the annual meeting; and they shall also meet annually, on the second Tuesday of April, which shall be styled the semi-annual meeting. At each of these regular meetings, they shall visit and examine into the affairs of the "home," and at their annual meeting they shall make a full report to the governor of all their proceedings connected with the said "home."

Annual report

Real estate, donations, &c.

SECTION 7. The board of trustees shall have power to take and hold in trust, for the use and benefit of said "home," any grant or demise of real estate, and any donation or bequest of money, or other personal property, to be applied to the maintenance of soldiers' orphans, or the general use of the "home."

Duties and powers of superintendent.

SECTION 8. The superintendent shall be the chief executive officer of the "home," and shall exercise and control all assistants necessarily connected with the institution, below the grade which may be designated in the by-laws as officers, and may employ or discharge any assistant, being responsible to the trustees for the proper discharge of that duty; and, for any satisfactory cause, the said superintendent may be discharged by an affirmative vote of a majority of all the members of said board.

Who entitled to admittance.

SECTION 9. All soldiers' orphans who may be admitted into said "home," shall be maintained therein at the expense of the state.

Apportionment of orphans.

SECTION 10. For the purpose of distributing the benefits proposed by this act equitably throughout the state, the board of trustees shall apportion, as near as practicable, the number of orphans to be admitted from each county, upon the basis of the number of soldiers' orphans actually residing in said county; and the

county board shall apportion as near as practicable, the number to be admitted from each county, between the several towns thereof, upon the basis of the returns made to the clerk of the board of supervisors, as provided by section twelve of this act.

Prerequisite of admission.

SECTION 11. The necessary prerequisites of admissionin to this institution, shall be as follows: All such orphans over the age of four and under fourteen years, whose fathers, having enlisted from this state, and who have either been killed or died while in the military or naval service of the United States, or of this state, during the late rebellion, or who have since died of diseases contracted while in such service, and who have no means of support, shall be entitled to the benefits of this institution: *provided*, that those who have neither father nor mother, shall in all cases have the preference in deciding upon applications.

Board to furnish clerks of board necessary blanks.

SECTION 12. In order to carry into effect the provisions of this act, it shall be the duty of the board of trustees to furnish to the clerk of the county board of each county in this state, uniform blanks, with all necessary instructions as to the manner of filling up the same, which blanks and instructions shall be distributed by the clerks of the county boards to the chairmen of the boards of supervisors of the several towns, the mayors or presidents of the incorporated cities or villages within the several counties of this state; and in all cases of doubt, the fact of the death of the father while in the military or naval service, shall be determined by the records in the office of the adjutant-general of this state.

Removal of children to the "home."

SECTION 13. Upon the acceptance by the board of trustees of any application for the admission of an orphan, the chairman of the town board of supervisors, or mayor of a city, shall make an order for the removal of such accepted child to the "orphans' home," and shall appoint some suitable person to convey such child or children thereto; and all necessary expenses incurred in such removal, shall be paid by the county in which such child shall have a legal residence.

Executive committee—their duties and powers.

SECTION 14. The trustees shall appoint from their own number an executive committee, who shall perform such duties and be governed by such restrictions and regulations as may be prescribed in the by-laws, not inconsistent with the provisions of this act; and

such committee shall be authorized to draw warrants upon such funds as may be from time to time appropriated to defray the expenses of said "orphans' home," as may be directed by the trustees in conformity with this act: *provided*, that all warrants so drawn shall be countersigned by the secretary of state, and such warrants shall designate the appropriation from which the same shall be paid.

Appropriation.

SECTION 15. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of ten thousand dollars, to pay for the property authorized to be purchased by section two of this act.

SECTION 16. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1866.

CHAPTER 40.

[*Published April* 11, 1866.]

AN ACT to amend section 53 of chapter 18 of the revised statutes, entitled "of the assessment and collection of taxes."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amount of money to be raised for schools.

SECTION 1. Section 53 of chapter 18 of the revised statutes, is hereby amended, so as to read as follows: "The board of county supervisors, at their annual meeting in each year, shall estimate and determine the amount of moneys to be raised in each town and ward in their county, for the support of common schools therein, for such year, which tax shall be levied and collected in each year, and shall not be less than the amount of school moneys apportioned to such town and ward by the state superintendent, in his last apportionment of school moneys, nor shall the amount so raised for school purposes exceed three mills on the dollar, in any one year, upon the valuation of taxable property in such county; and every such determination for the raising of school moneys by the said board, shall be recorded by their clerk, and the sum so determined to be

raised shall be assessed and collected for the use of common schools in each town and ward in such county, in addition to any sum any such town or ward may have voted to raise for the support of common schools therein."

Repeal.

SECTION 2. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 31, 1866.

CHAPTER 41.

[*Published April* 12, 1866.]

AN ACT to amend sections five and seven of chapter 133 of the general laws of 1863, entitled "an act to authorize the county supervisors to lay out and establish highways in certain cases."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Damages for laying out highways —how ascertained.

SECTION 1. Section five of chapter 133 of the general laws of 1863, is hereby amended, so as read as follows, to wit: "The damages sustained by any person through whose land any such highway shall be laid out, may be ascertained by agreement between said board of supervisors and such owner. In case of failure to agree upon such damages, the same may be ascertained and determined in the manner now provided by law for the ascertainment of damages in chapter 19 of the revised statutes, and shall be paid by the towns, respectively, where the same are occasioned, unless otherwise adjudged by said county board of supervisors; and the said supervisors shall, if they think that it is a burden upon any one town to pay all of said damages, decide what portion of said damages said town shall pay, and the balance of said damages shall be paid by towns benefited by such road, in such proportions as the county board of supervisors shall determine."

How alterations, &c. to be made.

SECTION 2. No alteration, vacation or discontinuance of any such highway shall be made, unless by the board of county supervisors, and by such board only

on like petitions and notices as in the case of laying out highways by said board. Highways laid out by said county board of supervisors, shall be opened and repaired in the respective towns in the same manner as other highways; but if the town board neglect or refuse to open said road as is now provided by law, the county board of supervisors shall have the same power and authority to open said highway, that the said town board now have by law.

Approved March 31, 1866.

CHAPTER 42.

[*Published April* 11, 1866.]

AN ACT to repeal chapter 404 of the general laws of 1862, entitled "an act to regulate the license and keeping of dogs, and to repeal chapter 175 of the general laws of 1860, 'an act to regulate the license and keeping of dogs,'" and to repeal all laws amendatory thereof, so far as said acts or any portion thereof apply to or are in force in Sauk county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 404 of the general laws of 1862, "an act to regulate the license and keeping of dogs, and to repeal chapter 175 of the general laws of 1860, 'an act to regulate the license and keeping of dogs,'" and all acts amendatory thereof, so far as said acts or any portion thereof apply or are in force in Sauk county, are hereby repealed. Repeal.

SECTION 2. This act shall be in force from and after its passage.

Approved March 31, 1866.

CHAPTER 43.

[*Published April* 12, 1866.]

AN ACT for the protection of employees and subcontractors, in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Lien for labor of employees and subcontractors.

SECTION 1. That any person or persons, party or parties, as employee, or subcontractor or subcontractors, having any claim or claims against any contractor or contractors, under and with the commissioners named in chapter 478 of the general laws of 1864, entitled "an act to accept the grant of lands made to the state of Wisconsin, by the United States, to aid in the construction of a military road from Fort Howard, Green Bay, to the Michigan state line," approved April 4, 1864, for work, labor, materials or money bestowed, furnished and expended under any contract or contracts with subcontraetor or contractors, in the construction of any portion of the road mentioned in section two of said act, such employee or employees, subcontractor or subcontractors, shall have a lien or liens upon the lands of said contractor or contractors, conveyed to him or them by the state, under the provisions of said act, for the whole amount of such claim or claims, which may be made, collected and enforced in the way and manner provided by chapter 153 of the revised statutes, entitled "of the liens of mechanics and others," and of the acts amendatory thereof.

Filing claims with governor, patent to lands, &c.

SECTION 2. That whenever any person or party, as subcontractor or subconstractors, or otherwise, has, have or shall have completed any portion of the road mentioned in said chapter 478, and the same has or shall have been accepted or approved by a majority of the commissioners named in said act, such subcontractor, subcontractors or other person or party shall have a lien upon all the lands to which the said contractor or contractors under and with the said commissioners shall be entitled to receive patents from the state, and may file in the office of the governor of the state a notice of the claim of such lien, together with a statement of the amount and character of the said

claim, duly verified by the oath of the person or party, or his or their agent or attorney, that such claim is justly due.

Duty of governor.

SECTION 3. That whenever the governor is called upon, under the provisions of said chapter 478, to convey lands due to any contractor or contractors, by the terms and conditions of any contract or contracts with and under the said commissioners, it shall be and it is hereby made the duty of the governor to withhold all conveyances or patents of such lands from said contractor or contractors, or assignees, until the amount of all claims of which notice has been filed in his office as aforesaid, by subcontractor or subcontractors, or others, shall have been fully paid and satisfied, or until notice by either party, duly given, that final judgment or judgments has or have been rendered in the action or actions brought to enforce the collection of such claim or claims, as herein in this act provided and authorized, which shall become a lien by operation of law, when the lands are so conveyed.

Application.

SECTION 4. The provisions of this act shall be construed to apply only to subcontractor or subcontractors or other persons or party performing labor or furnishing materials in the construction of said road, or any part thereof, or to the contractor or contractors under and with the commissioners mentioned in section one of this act.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved April 4, 1866.

CHAPTER 44.

[*Published April* 12 1866.]

AN ACT to limit the number of officers and employees of the legislature.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Officers and employers of the senate.

SECTION 1. The officers and employees of the legislature shall hereafter be limited as follows: For the

senate, in addition to the chief clerk and sergeant-at-arms, there shall only be appointed one assistant clerk, one enrolling clerk, one engrossing clerk and one transcribing clerk, to be appointed by the chief clerk, and one assistant sergeant-at-arms, one postmaster, one porter, two doorkeepers and one fireman, who shall be appointed by the sergeant-at-arms, and three messengers, who shall be appointed by the president of the senate. For the assembly, in addition to the chief clerk and sergeant-at-arms, there shall only be appointed one assistant clerk, one book-keeper, one enrolling clerk, one engrossing clerk and one transcribing clerk, to be appointed by the chief clerk; and one assistant sergeant-at-arms, one postmaster, one assistant postmaster, one porter, three doorkeepers and two firemen, who shall be appointed by the sergeant-at-arms, and eight messengers, who shall be appointed by the speaker of the assembly: *provided*, that the provisions of this section shall not apply to or affect the officers or employees of the present legislature.

Officers and employers of the assembly.

No other officers to be appointed except by authority of joint resolution.

SECTION 2. No officer or person other than those specified in the preceding section, shall be appointed or employed by either house of the legislature, or by any committee or officer thereof, except by a joint resolution of the two houses of the same, or by law; nor shall it be lawful for any officer to certify to or draw a warrant on the state treasurer for the pay of any officer or employee of the legislature, not authorized by law.

Per diem of porter and book-keeper.

SECTION 3. Section one of chapter 136 of the laws of 1860, entitled "an act to provide and appropriate compensation to the officers of the legislature," is hereby amended, by adding to such section the following words: "to the porter, two dollars and fifty cents; to the book-keeper, three dollars."

Stationery and postage stamps.

SECTION 4. No stationery or postage stamps shall be appropriated to any officer or employee of the legislature, except by a joint resolution of the two houses of the same, or by law.

Approved April 4, 1865.

CHAPTER 45.

[*Published April* 11, 1866.]

AN ACT to authorize poison to be used for the destruction of wolves and wild cats, in the months of January and February, in each year.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Poison may be used in destroying wolves and wildcats.

SECTION 1. For the destruction of wolves and wild cats, it shall be lawful for any person or persons to put out baits containing poison, at suitable places, at not less distance than eighty rods from any dwelling house, from the tenth day of January to the twentieth day of February, in each year; and within three days after the said twentieth day of February, the person or persons so having put out such baits or banes, shall take up and effectually destroy the same which shall remain. A failure to do so, shall subject such person or persons to whatever damages may be sustained by the neglect, and also a fine of not less than five dollars; all to be recovered before a justice of the peace of the county.

SECTION 2. It is hereby made the duty of the chairman or clerk of the town board of each town in this state, to read publicly the foregoing section at the time and place of reading the report and voting appropriations at the town election in April, of each year.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 4, 1866.

CHAPTER 46.

[*Published April* 11, 1866.]

AN ACT to amend chapter 45 of the revised statutes, entitled "of marks and brands, and filing chattel mortgages."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Penalty for selling mortgaged personal property.

SECTION 1. Chapter 45 of the revised statutes, entitled "of marks and brands, and filing chattel mortgages," is hereby amended, by adding to the same a new section, as follows: "Section 9. If any person having conveyed any article of personal property by mortgage, shall, during the existence of the lien or title created by such mortgage, sell, transfer, conceal, take, drive or carry away, or in any way or manner dispose of said property, or any part thereof, or cause or suffer the same to be done, without the written consent of the mortgagee of said property, he shall be deemed guilty of high misdemeanor, and shall be liable to indictment, and on conviction thereof shall be punished by fine not less than twice the value of the property so sold or disposed of, and confined in the county jail not exceeding one year, (one or both, at the discretion of the court,) and until the fine and all costs of such prosecution are paid."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 4, 1866.

CHAPTER 47.

[*Published April* 11, 1866.]

AN ACT to amend sections 2, 5 and 6 of chapter 864 of the general laws of 1865, entitled "an act for the encouragement and protection of the wool-growing interest in this state."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section two (2) of said chapter is hereby amended, so as to read as follows: "Section 2. Any person claiming such reward, shall produce the scalp or scalps of the wolf or wolves so killed, with the ears entire, to the clerk of the board of supervisors of the county within which such wolf or wolves were killed, and such clerk shall administer to the person producing such scalp or scalps as aforesaid, the following oath or affirmation: 'You do solemnly swear, (or affirm, as the case may be,) that the scalp (or scalps) now produced by you, is the scalp (or are the scalps) of a wolf (or wolves, as the case may be,) taken in the county of (naming the county) by you, within twenty days last past, and that you have not spared the life of any wolf within your power to kill;' which oath or affirmation shall be taken by the clerk in writing, and subscribed by the person producing the scalp or scalps." Scalp and ears to be delivered to clerk of court. Oath as to killing, &c.

SECTION 2. Section 5 of said chapter is hereby amended, so as to read as follows: "Section 5. If any person shall be guilty of obtaining from the clerk of the board of supervisors of any county in this state, any such certificate as hereinbefore provided for, by any false or fraudulent representations or practices, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars, and by imprisonment in the county jail for not more than one year." Penalty.

SECTION 3. Section 6 of said chapter is hereby amended, so as to read as follows: "Section 6. If any clerk of the board of supervisors of any county, who shall be applied to for a certificate under the provisions of the preced ng sections of this act, shall willfully or knowingly give a false certificate, such clerk shall be deemed guilty of misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one hund- Ibid.

red dollars, or by imprisonment in the county jail for not more than one year."

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1866.

CHAPTER 48.

[*Published April* 12, 1866.]

AN ACT in relation to state property, and purchases by the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Board to order sale of state property not longer of use to the state.

SECTION 1. The governor, secretary of state and state treasurer are hereby constituted a board of inspectors, to examine, at the request of the superintendent of public property, or order of the governor, any chattel property of the state in the hands of said superintendent, which is not in use at any time, and direct it to be sold or otherwise disposed of, in such manner as said board may deem to be for the best interests of the state.

How sales to be made.

SECTION 2. Sales under the provisions of this act, may be made at public auction, or otherwise, as the board of inspectors shall direct, and when at public auction, notice of sale shall be given by daily publication for at least ten days in the state paper, and sale made to the highest bidder for cash.

Proceeds to be paid to state treasurer, &c.

SECTION 3. The proceeds of any and all sales authorized by this act, shall be paid over to the state treasurer, after deducting all necessary expenses of sale, by the superintendent of public property, and the state treasurer's receipt, countersigned by the secretary of state, together with a copy of the order of sale made by said inspectors, and an account of sale, with necessary expenses of sale deducted, approved by said board, shall be a sufficient voucher in [the] hands of said superintendent, for the property so sold. The order of the inspectors shall be a good voucher for property otherwise disposed of.

Incidental purchases of goods, and labor about the capitol.

SECTION 4. Incidental purchases of goods and materials, and employment of labor necessary to the proper discharge of his duties, may be made by the superintendent of public property, with the advice of the governor; and bills for such goods or labor, sworn to by the party to whom payable, certified as correct and necessary by said superintendent, and approved by the governor, shall be audited by the secretary of state, and paid by the state treasurer out of the general fund of the state.

Construction.

SECTION 5. Section four of this act shall not be construed to change any laws which now provide for purchases by contract, let to the lowest bidder; and the governor may direct any purchases, or employment of labor, as provided in section four of this act, to be made in that manner, whenever he may deem it for the interests of the state so to do.

Removal of old buildings, &c.

SECTION 6. The board of inspectors may, whenever deemed proper by them, direct the removal of the buildings now standing in the park, outside of the capitol, and the sale or other useful disposition of the materials of which they are composed.

Record of proceedings of board of inspectors.

SECTION 7. The secretary of state shall cause to be kept a correct record of all the proceedings of the board of inspectors authorized by this act, and shall embody in his annual report, now provided for by law, a detailed account of all sales made in pursuance of this act, and also of all accounts audited and paid under its provisions.

Appropriation.

SECTION 8. There is hereby annually appropriated out of the general fund of the state, a sufficient sum of money to carry into effect the provisions of this act.

SECTION 9. This act shall take effect and be in force from and after its passage.

Approved April 4, 1866.

CHAPTER 49.

[*Published April* 6, 1866.]

AN ACT to amend sections 1 and 4 of chapter 133 of the revised statutes, entitled "of costs and fees."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fees of sheriff.

SECTION 1. Section one (1) of chapter one hundred and thirty-three (133) of the revised statutes, is hereby amended, so that it shall read as follows: "Section 1. Every sheriff in this state shall be entitled to receive the following fees for his services, viz.:

"First. For serving a summons, or any other process by which an action shall be commenced in any court of record, or writ or order of injunction, and making return thereon, for one defendant, one dollar; for each additional defendant, fifty cents.

"Second. Traveling in making service of any summons, writ or other process, except criminal capias, to be computed, in all cases, from the court house of the county in which service is made, ten cents per mile, going and returning.

"Third. Taking a bond or undertaking in any case when required by law, and approving the same, fifty cents.

"Fourth. Making a copy of any bond or undertaking, summons, writ, complaint or other paper served or taken, when required by law or demanded by a party, ten cents per folio.

"Fifth. Serving and returning a subpena to testify, for each person served, twenty-five cents.

"Sixth. Serving an execution on a judgment for the recovery of real estate, or other writ not provided for, one dollar.

"Seventh. Collecting and paying over all sums upon execution, writ or process for the collection of money, five per cent. upon any sum not exceeding three hundred dollars, and upon any sum more than three hundred and less than six hundred dollars, two and one-half per cent., and upon all sums exceeding six hundred dollars, one and one-fourth per cent.; but in no case shall the whole per centage exceed thirty dollars.

"Eighth. Advertising goods and chattels for sale upon execution, writ or process, seventy-five cents; but when there are more than one execution, writ or process in the hands of the sheriff against the same defendant, there shall be but one advertising fee charged in the whole, which shall be on the execution having priority.

"Ninth. Drawing advertisement of real estate, per folio, twenty-five cents.

"Tenth. Every certificate of sale of real estate, fifty cents.

"Eleventh. Filing copy thereof with the register of deeds, including fees of register of deeds, twenty-five cents.

"Twelfth. Drawing, executing and acknowledging a deed pursuant to a sale of real estate, two dollars, to be paid by the grantee in such deed.

"Thirteenth. Summoning a grand or petit jury, to be paid from the county treasury, fifty cents for each juror named.

"Fourteenth. Summoning a jury upon a writ of inquiry, attending such jury, and making and returning the inquisition, one dollar and fifty cents.

"Fifteenth. Summoning a special jury, struck pursuant to an order of court, and returning the pannel, one dollar and fifty cents.

"Sixteenth. Summoning a jury pursuant to any precept, or summons of any officer in any special proceeding, one dollar; and for attending such jury when required, one dollar and fifty cents per day.

"Seventeenth. Attending a view when ordered by the court, one dollar and fifty cents per day, and ten cents per mile traveling fee, going and returning.

"Eighteenth. Summoning appraisers and swearing the same, one dollar.

"Nineteenth. Every appraiser for each day, one dollar.

"Twentieth. Drawing an inventory or other paper, except returns upon a summons, subpena or venire, twenty-five cents per folio.

"Twenty-first. Attending the supreme court, one dollar and fifty cents for each day, to be allowed on the certificate of the chief justice or clerk, and paid out of the state treasury.

"Twenty-second. Attendance upon the circuit or county court, three dollars per day to the sheriff, and one dollar and fifty cents each per day to the necessary deputies, to be paid out of the county treasury.

"Twenty-third. Serving notice of any general or special election upon the inspectors of elections of the different towns and wards in his county, fifty cents for each town or ward, to be paid out of the county treasury.

"Twenty-fourth. For serving any writ or other process, with the aid of the county, two dollars and fifty cents, and all necessary expenses incurred thereby.

"Twenty-fifth. All such necessary expenses incurred in taking possession of any goods or chattels and preserving the same, as shall be just and reasonable in the opinion of the court.

"Twenty-sixth. All fees allowed by law and paid to any printer for any advertisement required to be published by the sheriff.

"Twenty-seventh. Traveling to serve any criminal process, for every mile actually traveled, ten cents per mile, whether in the county from which process issued, or not.

"Twenty-eighth. Every commitment to prison, fifty cents.

"Twenty-ninth. Discharging a person from prison, twenty-five cents.

"Thirtieth. Bringing up a prisoner upon *habeas corpus*, to testify or answer in any court, or before a judge, one dollar.

"Thirty-first. Attending before any officer with a prisoner, for the purpose of having him surrendered in exoneration of his bail, or attending to receive a prisoner so surrendered, who was not committed at the time, and receiving such prisoner into custody, in either case, one dollar.

"Thirty-second. Attending any court or officer with a prisoner, one dollar and fifty cents per day, besides actual necessary expenses."

Fees of sheriff for executing judgment directing sale of mortgaged premises.

SECTION 2. Section four (4) of said chapter one hundred and thirty-three (133) is hereby amended, so that it shall read as follows: "Section 4. The following fees shall be allowed the sheriff or other officer for services in executing a judgment directing sale of

mortgaged premises, viz.: For making sale when the amount of the judgment does not exceed five hundred dollars, the sum of five dollars; when the amount of the judgment exceeds five hundred dollars, and less than one thousand dollars, the sum of eight dollars, and when the amount of the judgment exceeds one thousand dollars, the sum of ten dollars; for drawing, executing and acknowledging the deed, the sum of three dollars; for making the receipt of sale in each case, three dollars; for drawing advertisement of sale, one dollar; for travel performed in making such sale, to be computed from the court house, ten cents per mile, going and returning."

Repeal. SECTION 3. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1866.

CHAPTER 50.

[*Published April* 12, 1866.]

AN ACT to amend section 1 of chapter 244 of the general laws of 1865, relating to "costs and fees."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendment. SECTION 1. That section 1 of chapter 244 of the general laws of 1865, is hereby amended, by adding after the word "supreme," in the sixth line of said section, the words "or circuit."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 5, 1866.

CHAPTER 51.

[*Published April* 20, 1866.]

AN ACT to authorize the use of the moneys arising from the sale of certain swamp and overflowed lands in the counties of Manitowoc and Calumet, for drainage and other purposes, and to amend chapter 537 of the laws of 1865, relating thereto.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Certain lands reserved from sale under chapter 537, laws 1865, and granted to Manitowoc and Calumet counties.

SECTION 1. All of the swamp and overflowed lands in towns eighteen north, range twenty east, nineteen north, range twenty east, twenty north, range nineteen east, and twenty north, range twenty east, in the county of Calumet, and in towns eighteen north, range twenty-one east, eighteen north, range twenty-two east, nineteen north, range twenty-one east, nineteen north, range twenty-two east, and twenty north, range twenty-one east, in the county of Manitowoc, selected for said counties, respectively, by the commissioners of school and university lands, under and in pursuance of the provisions of chapter 537 of the general laws of 1865, are hereby reserved from sale by the said commissioners, as directed in said act, and the said lands shall be held subject to be disposed of in the manner provided by this act, anything in the said act mentioned in the title of this act to the contrary notwithstanding.

Commissioners to hold or convey said lands.

SECTION 2. Ansel Watrous, of the county of Calumet, and Michael Mahoney and John C. Eggers, of the county of Manitowoc, are hereby appointed commissioners, to be known as the board of Manitowoc and Calumet swamp land commissioners, and as such commissioners they are hereby authorized and empowered to act for and on behalf of the said counties, in the execution of the trust by this act created; and by this said name shall be capable in law of taking, holding, leasing and contracting for selling and conveying the lands, or any portion thereof, described in the first section of this act, and appropriating the moneys arising from the sale thereof, so far as the same may be necessary for the purposes mentioned in this act, and no further; and in that name may contract and be contracted with, sue and be sued, may have a common seal, and alter and renew the same at pleasure, and may have and ex-

ercise all the powers, rights, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as the same are herein set forth.

Meetings and officers of board.

SECTION 3. The said commissioners, or a majority of them, shall be competent to hold meetings and transact the business of said board of commissioners, and at their first meeting they shall elect one of their number president, and one treasurer, and shall appoint a secretary, to serve for the term of one year, and until their successors shall be duly elected, appointed and qualified; and such first meeting shall be held at such time and place as they, or a majority of them, may in writing designate, of which the other commissioner shall have written notice of at least ten days; and all subsequent meetings of said board of commissioners shall be held at such times and places as said board may by resolution duly passed, designate.

Where meetings to be held.

Duties of president.

SECTION 4. The president shall preside at all meetings of the board and perform all such duties as may be imposed upon him by resolution, or rules and regulations adopted by the board, and in case of his absence or inability to discharge such duties, the board may appoint a president *pro tem.* The treasurer shall keep and disburse all moneys which may come into his hands, upon orders signed by the president and countersigned by the secretary, and issued under the direction of said board; and he shall enter into bond in such penalty and with such surety as the majority of the supervisors of each of said counties shall direct and approve, to the said board, conditioned for the faithful discharge of the duties of his office, as defined by this act, and by resolutions and rules and regulations of said board. The secretary shall keep a full and correct record of all the proceedings of said board, and of all documents or papers signed by the president and countersigned or signed by himself under the direction of the board, which record shall at all times during business hours, be open to the inspection of any citizen of said counties, and he shall do and perform all other acts which may be lawfully required of him and by said board; and the said officers shall receive such compensation for their services as shall be determined upon by said board, not to exceed the rate of three dollars per day each while actually employed in performing such

Duties of treasurer.

Duties of secretary.

Compensation of officers.

service, and the members of said board shall receive each two dollars per day while attending meetings of the board, and no more.

Removal of obstructions from Manitowoc river and tributaries, and draining of adjacent marshes.

SECTION 5. The said board of commissioners are authorized and empowered to remove, or cause to be removed, all obstructions in the Manitowoc river, and in all the streams emptying into said river, and in all lateral streams, or contiguous swamps, which cause the lands or any part of the lands mentioned and described in the first section of this act, to be overflowed with water at any season of the year; and for that purpose may lower the bed of the Manitowoc river, and to cause to be dug, made, built and constructed all such canals, ditches, sluiceways, dykes, embankments, roads and bridges as said board shall deem necessary to effectually drain said lands, and to protect the same, as far as may be, against any future overflow from high water, caused by obstructions placed in the said river or said streams; and for that purpose, the said board by themselves, their agents or contractors, shall have further power and authority to enter upon any adjoining lands, and make ditches, sluiceways, and do other work necessary for the drainage of the herein described lands.

Engineer—plans and estimates of work.

SECTION 6. It shall be the duty of said board of commissioners, before commencing the work authorized in this act, to appoint a competent civil engineer, who shall make the necessary surveys of said rivers, streams and swamps, and submit to said board plans and specifications and estimates of the cost of all the work deemed necessary to be done to accomplish the object contemplated by the provisions of this act; and after such surveys, plans, specifications and estimates shall have been so made and submitted, the said board shall meet and determine upon the plans by which the various portions and kinds of such work shall be prosecuted and completed, and shall advertise for proposals for contracts for such work, by giving at least thirty days' notice thereof, by publishing the same in each of the newspapers published in said counties, of the time and place of the letting of contracts, and where such plans and specifications can be seen; and the said board shall let such contracts to the lowest responsible bidders: *provided*, that no such contract shall be let unless the performance thereof shall be guaranteed by one or more responsible sureties, to be approved by said board;

Advertising for proposals and letting of contracts for the work.

Contractors to give security.

and provided, that no member of said board shall be or become interested either directly or indirectly in any such contracts. Commissioners not to be interested in contracts.

SECTION 7. That the said board may contract for the sale of any portion of said lands at such price as they shall be reasonably worth, but no less than one dollar per acre, as shall become necessary to meet from time to time the payment of any sum which may become due on any contract for work, materials or services done, furnished and performed under such contract, and may contract for the conveyance by the state of any title of such lands to contractors, on the performance of their contracts made with the said board, according to the terms and conditions thereof; and may direct the president and secretary of their board to issue from time to time orders on the treasurer for moneys, as the same shall become due on any such contracts, payable out of any moneys in or which may come into the hands of the treasurer, and not otherwise appropriated: *provided*, that neither of the said counties nor the said board of commissioners shall be made liable to pay any such orders, or for any sum due or to become due on any such contract or contracts, out of any fund except the fund created under and in pursuance of the provisions of this act. Sale and conveyance of lands. Orders on treasurer. Extent of liability of counties.

SECTION 8. The said board of commissioners shall be entitled to draw their orders upon and to have and receive from the treasurers of the said counties, respectively, all the moneys due and to become due on certificates of sales of lands in said counties, set apart and transferred to said counties, respectively, by the commissioners of the school and university lands, under the provisions of said chapter 537 of the laws of 1865, and also to have and receive from the county treasurers of said counties the moneys received by the state on the sales of said lands, as hereinafter provided, and further sums of money as the supervisors of said counties may respectively authorize to be paid over to said board of commissioners; and the same or such portions thereof as shall be necessary, shall be expended under the direction of said board, to carry into effect the purposes of this act, and no more, and for no other purpose whatsoever. Moneys for which orders may be drawn on counties. How expended.

SECTION 9. The said board of commissioners shall have authority to keep said work at all times in repair; Prosecutions for violations of contracts, for trespasses, &c.

to bring and maintain actions in courts of competent jurisdiction for the recovery of damages against parties or individuals for violations of any contract made with said board, or for trespass committed upon said lands, or any portion thereof; for keeping or placing any dam or other obstruction or obstructions in said river or streams, canal, ditch, sluiceway, or for the removal of any embankment, road or other work, or in any way causing the overflow of or damage to said lands, or any portion thereof, and to bring and maintain actions for the removal of any obstructions so placed in said river or streams, canals, ditches or sluiceways, in the same manner and with like effect as parties are now or may hereafter be authorized by law to do in like or similar cases.

Superintendent—his compensation.

SECTION 10. The said board shall appoint one of their number, or some suitable person, whose duty it shall be to superintend and direct all the work done under contracts made with said board, and shall allow him such compensation for his services as the same shall be reasonably worth, not to exceed, however, the sum of three dollars per day while actually employed in such service.

Part of lands may be sold by state, and proceeds paid to said counties.

SECTION 11. Whenever any considerable portion of said lands shall have been as effectually drained and protected against future overflow or damage by water as the said board shall deem practicable, all of the same which shall not have been contracted for sale by said board, shall from time to time be appraised by said board at their actual money value, and certificates of such appraisals, signed by the president and countersigned by the secretary, and under the seal of said board, shall be filed with the secretary of state; and the said lands shall then become subject to sale, and may be sold by the state at a price not below such appraised value by the said board, and the proceeds of such sale or sales shall, from time to time as received, be paid over to said counties in the manner hereinafter provided; but all lands which may have been contracted by the said board to be sold as herein authorized, shall on the order or orders of said board, signed by their president and countersigned by their secretary, be conveyed by the state to the person or persons named in such order or orders as being entitled to receive the conveyance thereof; and it shall be the duty

of the treasurers of the said counties, respectively, to pay out said moneys or [on] the orders of the said board.

In what proportion proceeds to be paid to counties.

SECTION 12. All the moneys which shall be received by the state on sales of any of said lands, shall, on the order or orders of said board, signed, countersigned and sealed as aforesaid, be paid over to said counties, respectively, in such proportionate amounts as each shall be entitled to receive under such order or orders; and the said board shall provide that the said counties shall be first paid from any surplus moneys remaining unapportioned, the same [sums] which shall have been advanced by them, respectively, to said board; and whenever the said board shall have completed the valuation of the remaining lands, as herein directed, they may apportion the same equitably between the said counties, and certify the same to the secretary of state, and order the moneys received by the state on sales of the lands so apportioned, to be paid over to the said counties, respectively, to be disposed of according to the provisions of chapter 537 of the laws of 1865.

Duty of school land commissioners.

SECTION 13. It is hereby made the duty of the commissioners of school and university lands, to reserve from present sale the lands described in the first section of this act, and hold and dispose of the same, and the proceeds thereof, in the manner and for the purpose in this act authorized and directed.

County boards to accept or reject the conditions of this grant.

SECTION 14. It shall be the duty of the supervisors of the said counties to meet at such time and place as may be required by said commissioners, by notice of not less than ten days, to be served on each of said supervisors, and when so met, the said supervisors, or a majority of them, from each of said counties, shall determine by resolution to accept or reject in behalf of said counties, the conditions of this act; and if they shall resolve to accept the conditions of this act, then, and not before, the said commissioners shall organize their board and prosecute the work of draining said lands according to the provisions of this act, and the said supervisors shall carry the same into effect by payment of the orders of said board: *provided*, that if the said supervisors shall fail to meet or to act at the time first notified by said commissioners, they shall meet at such other time and place as notified by the said com-

When board of commissioners to organize, &c.

missioners, such notice to be given at least ten days before the time of holding such meeting; *and provided, further*, that if the supervisors of said counties shall fail to so accept this act within six months from its passage, and to give notice thereof to the commissioners of school and university lands, the same shall become inoperative and of no force.

Within what time must grant be accepted.

Vacancies.

SECTION 15. Any vacancy occurring in said board of commissioners from death, resignation or otherwise, such vacancy shall be filled by the remaining members of said board; and if any member of said board shall willfully or knowingly violate any of the provisions of this act, or if any officer or agent of said board shall willfully or knowingly violate any of the orders, directions or rules of or duties imposed upon him by said board under the provisions of this act, he shall on conviction thereof be fined in the sum not exceeding five hundred nor less than fifty dollars, or by imprisonment, or both, in the discretion of the court having jurisdiction, such fine when collected to be paid into the fund created by this act; and any member of said board being so convicted, shall be removed from said board by resolution of a majority of the supervisors of each of said counties.

Penalty.

SECTION 16. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1866.

CHAPTER 52.

[*Published April* 12, 1866.]

AN ACT to authorize the secretary of state to distribute copies of the revised statutes in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Statutes to county officers.

SECTION 1. The secretary of state is hereby authorized to furnish copies of the revised statutes to all officers of the several counties of the state who are entitled to receive the session laws of the state, under the provisions of section 38 of chapter six of the revised

statutes, upon the conditions prescribed in the second section of this act.

Certificates of clerk of county boards to be filed with secretary of state.

SECTION 2. Every person applying for a copy of the revised statutes, shall file in the office of the secretary of state the certificate of the clerk of the board of supervisors of the county in which the person making the application resides, showing that such person is an officer of such county entitled by law to receive the session laws of the state, and a statement of the person making such application, giving the facts upon which he claims to be entitled to a copy of such statutes; and upon the receipt of the certificate and statement aforesaid, if the secretary of state is satisfied that the person applying has not been furnished with the revised statutes, or that from any cause other than gross negligence, the copy furnished such officer has been lost or destroyed, he shall be authorized to forward a copy in such manner as he shall deem best, but without cost to the state.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1866.

CHAPTER 53.

[*Published April* 12, 1866.]

AN ACT to define the certainty of descriptions of lands sold by public authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Descriptions which may be used.

SECTION 1. In all advertisements, certificates, papers, or proceedings relating to the sale or forfeiture of school, swamp or university lands, or the assessment and collection of taxes, and proceedings founded thereon, as well heretofore as hereafter, any description of lands which shall indicate the land intended with ordinary and reasonable certainty, and which would be sufficient between grantor and grantee in an ordinary conveyance, shall be sufficient; nor shall any description of land according to the United States survey, be deemed insufficient by reason of the omission of the word "quarter,"

or the figures or signs representing it, in connection with the words or initial letters indicating any legal subdivision of lands according to government survey.

Section 2. This act shall take effect from and after its passage and publication.

Approved April 6, 1866.

CHAPTER 54.

[*Published April* 12, 1866.]

AN ACT to amend subdivision two of section seventeen of chapter one hundred twenty-two of the revised statutes, entitled "of the forms of civil actions, and parties thereto."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appointment of guardians of non resident infants.

Section 1. Subdivision two of section seventeen of chapter one hundred and twenty-two of the revised statutes, is hereby amended, by adding thereto the following: "If such infant is not a resident of this state, and his residence be known, and that fact shall appear by affidavit to the satisfaction of the court, and it shall further appear that such infant has no general or testamentary guardian in this state, the court may grant an order that notice of an application for the appointment of a guardian for the infant, be served upon such infant, if over fourteen years of age, by mailing a copy of said notice and order to such infant, directed to him at his place of residence; if under fourteen years of age, by mailing a copy of such notice and order to the person with whom such infant resides. If the residence of the infant be unknown, the court may grant an order that service of said notice be made by publication thereof in a newspaper to be designated in such order, as most likely to give notice to such infant, and for such length of time as shall be deemed reasonable, not less than once a week for four weeks successively."

Section 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1866.

CHAPTER 55.

[*Published April* 12, 1866.]

AN ACT to amend section four of chapter fourteen of the revised statutes, in relation to removals from office.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Governor not to proceed against officer complained of, until bond for expenses has been filed.

SECTION 1. Section four of chapter fourteen of the revised statutes, is hereby amended, by adding thereto the following: "*provided*, that the governor shall take no action upon any charges made to him against any such officer, unless the person making such charges shall execute and deliver to the governor a bond, in the penalty of one thousand dollars, with one or more sureties to be approved by him, conditioned for the payment (in case such officer shall not be removed) of all costs and expenses actually incurred by the state and by such officer in the examination and hearing of the case; such bond to be prosecuted by the attorney general before any court having jurisdiction, for the benefit of the state and the officer complained of, or his legal representative."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 6, 1866.

CHAPTER 56.

[*Published April* 12, 1866.]

AN ACT to amend section 76 of chapter 28 of the revised statutes, entitled "of the school and university lands," and to direct payment to be made from the general fund of all expenses incurred on account of the trust funds of the state, and the lands belonging to such funds.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Compensation of clerks—to be paid from general fund.

SECTION 1. Section 76 of chapter 28 of the revised statutes, entitled "of the school and university lands," is hereby amended, so as to read as follows: "The

clerks hereby authorized to be employed, shall be employed for such time as the said commissioners shall deem advisable, at a price to be agreed upon by them. The claims of such clerks for services rendered, shall be audited by the secretary of state, and paid out of the general fund."

Care of other funds, payable from general fund.

SECTION 2. All expenses hereafter incurred by the state for the care and management of the school fund, the university fund, the normal school fund, the drainage fund, and the fund for the endowment of colleges for the benefit of agriculture and the mechanic arts, and all expenses incurred on account of the income of said funds, and all expenses hereafter incurred in the selecting, appraising, management, care, protection and sale of the lands which belong to said funds, shall be paid by the state treasurer, on the warrant of the secretary of state, out of the general fund: *provided*, that fees may be allowed by law for the performance of specific duties in relation to such lands.

Penalties to be paid into proper funds.

SECTION 3. All sums of money hereafter received as penalty and damages for trespass on any of said lands, and all sums received on sale of logs, lumber, shingles or other articles or materials seized on said lands, or recovered in legal proceedings from the trespassers on said lands, shall be paid into the respective funds to which the lands belong, on which such trespasses were committed.

Other charges on and moneys belonging to general fund.

SECTION 4. Hereafter all bills for advertising on account of such lands and of the respective funds, shall be paid, when audited, from the general fund; and all sums received either by redemption, as provided in sections fifty-nine and one hundred and six of chapter 28, revised statutes, or by a resale of the lands, as provided in said chapter, either as fees for advertising done hereafter, or as damages or penalty hereafter incurred of the kind, mentioned in said sections 59 and 106, shall be paid into the general fund.

Repeal.

SECTION 5. All acts and parts of acts inconsistent with the provisions of this act, shall be inoperative, so far as they conflict with the provisions of this act.

SECTION 6. This act shall take effect and be in force from and after the first day of July, A. D. 1866.

Approved April 6, 1866.

CHAPTER 57.

[*Published April* 12, 1866.]

AN ACT relative to the duties of lumber inspectors, and amendatory of chapter 167 of the general laws of 1864.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Accounts of logs, &c. measured.

SECTION 1. Section eight of chapter 167 of the general laws of 1864, is hereby amended, by adding at the end thereof the following, to wit: "And it shall be the duty of each lumber inspector to require of his deputy or deputies, at the end of each month, a true and correct account of all logs, lumber or timber surveyed or measured by him or them during the month next preceding, and immediately to enter such account upon the books of his office."

When marks to be left with inspector.

SECTION 2. Section eleven of said chapter 167 is hereby amended, by striking out next after the word "inspector," where it first occurs in said section, the words, "between the first day of November and the first day of March, in each year."

Effect of the filing of mortgages, liens, &c.

SECTION 3. Section twelve of said chapter 167 is hereby amended, by adding next after the word "district," where it last occurs in said section, the following words, to wit: "And the filing and recording of all such instruments and papers, shall have the same force and effect as the recording of deeds and mortgages in the office of register of deeds."

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1866.

CHAPTER 58.

[*Published April* 12, 1866.]

AN ACT relating to evidence in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Patents *prima facie* evidence of title.

SECTION 1. All patents heretofore issued, or which may hereafter be issued, by the commissioners of the school and university lands, for any school or university lands, or forfeited mortgage lands, shall be *prima facie* evidence in all courts and places that the grantees therein had lawful title in fee simple to the premises therein described, at the date thereof; and such patents shall be *prima facie* evidence of all facts therein recited.

Records of patents equally conclusive evidence.

SECTION 2. The record of any such patent now recorded, or which may hereafter be recorded, in the office of the register of deeds of the county within which the premises therein described, or a portion thereof, are located, or a copy thereof duly certified, shall in all cases be evidence equally and in the same manner as the original.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 6, 1866.

CHAPTER 59.

[*Published April* 20, 1866.]

AN ACT to provide for completing the state capitol, and heating the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Proposals for rotunda, dome, and heating apparatus.

SECTION 1. The governor, state treasurer, secretary of state, attorney general and bank comptroller are hereby constituted a board of building commissioners, and are authorized to let by contract to the lowest responsible bidder, the building, erection and completion of the rotunda and dome of the state capitol, and the

erection and completion of suitable heating apparatus for warming the whole of the building. The contract for completing the building and dome, shall require the entire completion of the same on or before the first day of December, 1867, the whole to be in conformity, as near as practicable, with the plan commenced. The contract for the heating apparatus shall require the full completion of the same on or before the first day of December, 1866.

Plans may be altered.

SECTION 2. Before advertising for proposals, the commisssioners and the superintending architect may make such alterations in the plans and specifications for the building, not materially changing the original plan, as to them may seem advisable, and before letting the contract for the heating apparatus, they shall make such inquiries and investigations as to enable them to select the most suitable, safe and economical heating apparatus now in use.

Act applicable.

SECTION 3. In advertising for proposals, in making the contracts, and in making payments for work under the same, the commissioners shall follow the provisions of an act entitled "an act to authorize the enlargement of the state capitol, and providing and appropriating means for the same," approved February 28, 1857, so far as the same shall be applicable; and in addition to the requirements of said act, they shall require the contractors to give reasonable security for the prompt and faithful prosecution and completion of the work under such contract within the time specified, and shall reserve the right and have the power, if the contractor shall neglect or abandon the work, or fail to prosecute the same with such diligence and dispatch as will reasonably secure the completion of the work in the time specified in the contract, to declare such contract abandoned and forfeited, and shall relet the same to such other responsible person or persons as will secure the completion of the work by the time specified in this act; and no liabilities shall exist on the part of the state for any service rendered under or upon any contract so abandoned: *provided*, that in case it shall become necessary to relet the work, the commissioners shall relet to the lowest bidder, in the same manner as is provided for in section 1 of this act; *and provided, further*, that in the contract for the heating apparatus, the commisioners shall reserve at least thirty per cent.

Contract may be declared forfeited, &c.

Reservations in contract for heating apparatus.

of the amount agreed to be paid, until the same is fully tested, and they are satisfied that the work is well done, and that it will comfortably warm the entire building.

Appropriations.

SECTION 4. For the payment of the work as the same progresses under the contract, there is hereby appropriated out of the state treasury a sum sufficient to defray the cost of completing the building, and the furnishing and putting in of the heating apparatus: *provided*, that the entire cost of fully completing the building and dome shall not exceed eighty-five thousand dollars, and the cost of the heating apparatus shall not exceed twenty-five thousand dollars; *and provided, further*, that not more than fifty-five thousand dollars shall be paid during the year 1866, the remainder, not to exceed fifty-five thousand dollars, to be paid in 1867, in the manner provided by this act.

Limit.

What amount payable in 1866.

Architect—his salary, &c.

SECTION 5. The building commissioners are hereby authorized to employ an architect to superintend the work, whose compensation shall be as follows: One per centum for details to larger scales, and one per centum for superintendence, which shall be in full payment for all services performed by said architect; and the commissioners may, if in their judgment the public good requires it, discharge such architect, and employ another in his stead, in which case the compensation of said architect for services rendered, shall be adjusted upon the same terms as are heretofore provided for the compensation of the architect, having regard to the amount of services rendered.

Monthly estimates.

SECTION 6. Once in each month the superintending architect shall estimate and report to the commissioners the amount of work performed and material furnished under the contract for the completion of the building, and if they approve the same, the governor shall certify eighty-five per centum thereof to the secretary of state, who shall draw his warrant on the treasurer for the same. Upon the completion and acceptance of the work under such contract, the remaining fifteen per centum shall be certified and paid in like manner.

Payment of expense of fire apparatus.

SECTION 7. The amount contracted to be paid for the heating apparatus, shall be paid, as nearly as practicable, in like manner as provided in the preceding section, except as to the per centum reserved in section three of this act.

Architect to receive no bonus.

SECTION 8. The architect employed under this act, is prohibited from receiving, directly or indirectly, any commission, bonus, reward or compensation from the contractor or contractors who may construct the work contemplated by this act, or of any part thereof, or from any one in the employ of or furnishing materials to such contractor or contractors.

Forfeiture.

SECTION 9. In case of a violation of the foregoing section, the architect shall be discharged, and shall forfeit all claim and right to compensation for services rendered up to the time of such discharge.

Security for performance of heating apparatus.

SECTION 10. The commissioners shall accept no bid for heating apparatus which in their opinion will not fully accomplish the object sought to be obtained by this act, and they may require such security as they may deem advisable for the faithful performance of the contract.

Construction.

SECTION 11. This act shall not be construed as to permit the commissioners to let the contracts herein authorized, for a larger sum than one hundred and ten thousand dollars, payable as provided by this act.

SECTION 12. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1866.

CHAPTER 60.

[*Published April* 18, 1866.]

AN ACT to provide for registering the names of persons who have heretofore declared or may hereafter declare their intentions to become citizens of the United States of America.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Clerks of courts to make out alphabetical lists.

SECTION 1. The clerks of the circuit courts in the several counties of this state, are hereby authorized and required to make out an alphabetical register, from the files of their several offices, in a suitable book to be provided for that purpose, of the names of all persons who have heretofore declared their intentions to become citizens of the United States of America, together with

the date of the making of such declaration; and it shall be the duty of such clerks to register in such book, in like manner, the names of all persons who may hereafter make such declaration.

Compensation.

SECTION 2. Such clerks shall be entitled to receive from their several counties, as compensation for making such register, three (3) cents for every name so registered, where the declaration was made before the time of the passage of this act, and ten (10) cents for every name thereafter registered, as required by section one of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1866.

CHAPTER 61.

[*Published April* 14, 1866.]

AN ACT to amend section 3 of chapter 43 of the revised statutes, in relation to strays.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

How notice may be given, if owner is unknown.

SECTION 1. Section three of chapter forty-three of the revised statutes, is hereby amended, so as to read as follows: "Section 3. If the owner of any stray be unknown, the finder shall, within ten days after taking up the same, file a notice thereof with the town clerk of the town, and if the stray or strays so taken up are of the value of less than five dollars, he shall also post up notices of the taking up of such stray, in two or more public places in such town; but if the stray or strays so taken up are of the value of more than five dollars, he shall cause such notice to be published for four weeks successively in some newspaper printed in the county in which he resides, unless there shall be one printed still nearer his place of residence, in an adjoining county, in which case he may publish it in either paper, at his option; and in case there shall be no newspaper printed within twenty miles of the residence of the finder of such stray or strays, he shall

Notice may be published in another county.

post up written notices in three of the most public places in the county in which he resides. All said notices shall contain a brief description of the stray, describing the same by giving marks, natural and artificial, and as near as practicable, the name and residence of the finder, and, as near as may be, the time at which the same was taken up. The said town clerk shall transmit a copy of every such notice to the clerk of the board of county supervisors; and any person taking up or finding any such stray or strays, who shall neglect or refuse to post up and publish such notices, as provided in this section, shall be liable to the owner of such strays in double the amount of damages sustained by reason of such neglect or refusal."

SECTION 2. This [act] shall take effect and be in force from and after its passage.

Approved April 6, 1866.

CHAPTER 62.

[*Published April* 14, 1866.]

AN ACT to amend chapter 22 of the laws of 1859, entitled "an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section thirty-eight of chapter twenty-two of the laws of 1859, entitled "an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof," is hereby amended, by inserting after the word "sale," in the twelfth line thereof, the following words: "or that the land was redeemed from the operation of such sale as provided by law, or that the title to said land has become vested adversely to the plaintiff in the action, under and by virtue of another tax deed." Amendment.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 6, 1866.

CHAPTER 63.

[*Published April* 14, 1866.]

AN ACT to authorize the officers of the state of Michigan to carry convicted prisoners and persons charged with crime, from the upper peninsula of Michigan to the lower peninsula of Michigan, through the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Prisoners may be removed through this state.

SECTION 1. That it shall be lawful for all officers in the state of Michigan, or other persons duly authorized, on lawful warrant from any judicial officer of that state, to convey any person who has been convicted of or may be charged with any crime committed within the state of Michigan, through the state of Wisconsin, from the upper peninsula to the lower peninsula, or from the lower peninsula to the upper peninsula of Michigan, for the purpose of final execution or trial.

In case prisoner sues out writ of *habeas corpus*.

SECTION 2. That if any person so convicted of or charged with crime in the state of Michigan, on being so conveyed by such officer or other person duly authorized under the laws of Michigan to have the custody of such person, shall sue out a writ of *habeas corpus*, it shall be a sufficient answer to said writ by the person having such custody, that he holds such person by virtue of a lawful warrant from any judicial officer of the state of Michigan, and he shall annex to such answer a copy of the writ by which he claims the custody of such person.

Penalties.

SECTION 3. That any or all persons who shall in any manner aid such person so being conveyed through the state of Wisconsin, by virtue of any such writ or warrant, to escape, or shall resist any officer or person while engaged in carrying any such prisoner through this state, shall be liable to the same penalties as now provided by the laws of this state against persons aiding prisoners to escape, or resisting officers in this state.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 7, 1866.

CHAPTER 64.

[*Published April* 19, 1866.]

AN ACT to provide for reviving a certain suit against the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Judgment in case of Calkins and Proudfit vs. the state to be vacated, and the case reinstated.

SECTION 1. The attorney general is hereby authorized and directed to sign, on behalf of the state, a stipulation vacating and setting aside the final judgment in the case of Elias A. Calkins and James K. Proudfit vs. the state of Wisconsin, in the supreme court, and to reinstate the case in the same condition as it was when the special verdict was returned to the said court from the circuit court of Milwaukee county; and he is also further authorized and directed to stipulate on behalf of the state, in said case, that the provisions of the several acts of the legislature, that the sums of money appropriated to said Calkins and Proudfit, is payment in full of their accounts for printing done for the state, and the receipt by them of the sums of money therein mentioned, shall not be held to effect a compromise or final settlement of their accounts, or to bar their recovery of any sums of money that may be found equitably due to them; it being the intention and object of this act, to permit the said Calkins and Proudfit to try, in the courts of the state, their claim on its equities and merits, the same as if the said provisions were not contained in said acts, or any of them, and that the remaining issues therein be tried and disposed of according to law, to the end that a just and equitable determination of said matter may be had.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 7, 1866.

CHAPTER 65.

[*Published April* 19, 1866.]

AN ACT to amend chapter 19 of the revised statutes, entitled "of highways and bridges, and of ferries."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When overseer to make return of lands on which taxes are unpaid.

SECTION 1. Section forty-seven of chapter nineteen of the revised statutes, is hereby repealed, and the following inserted in lieu thereof: "Every overseer of highways shall, on or before the first Monday of November, in each year, return his tax list to the town clerk, with such taxes as have been paid, marked so paid opposite each description of real estate taxed in his tax list; and he shall make and subscribe an affidavit thereon, before some justice of the peace, or other person authorized to administer oaths, that the taxes not marked as provided by this section, remain unpaid. If the said overseer shall neglect or refuse to mark and deliver to the town clerk such tax list as aforesaid, the supervisors, or a majority of them, shall, upon the application of the town clerk, issue a warrant, under their hands, to any constable of the town, commanding him forthwith to bring such overseer before them, to show cause why such tax list has not been returned as the law requires. The constable's fees for such service shall be paid by such delinquent overseer."

Penalty for neglect.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 9, 1866.

CHAPTER 66.

[*Published April* 20, 1866.]

AN ACT to amend chapter 517, general laws 1865, entitled "an act to amend section 1 of chapter 154 of the general laws of 1862, entitled 'an act providing for a lien for labor and services upon logs and lumber, in certain counties.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1 of chapter 154 of the general laws of 1862, entitled "an act providing for a lien for labor and services upon logs and lumber, in certain counties," as amended by chapter 517 of the general laws of 1865, entitled "an act to amend section 1 of chapter 154 of the general laws of 1862, entitled 'an act providing for a lien for labor and services upon logs and lumber, in certain counties,'" is hereby amended, so as to read as follows: "Section 1. Any person, company or corporation that may do or perform any labor or services in cutting, falling, hauling, driving, running, rafting, booming, cribbing or towing any logs or timber in the counties of Pierce, St. Croix, Polk, Dallas, Burnett, Douglas, La Pointe, Ashland, Jackson, Clark, La Crosse, Marathon, Portage, Wood and Manitowoc, in this state, shall have a lien thereon for the amount due for such labor or services, and the same shall take precedence of all other claims thereon. The provisions of this act shall apply to all such labor or services that may have been done or performed prior to the passage of this act, as far as the provisions of this act can be made applicable thereto, and the person, company or corporation that may have done or performed the same, can comply with the provisions of this act." Amendment. Lien for labor and services on logs, &c. Not applicable for labor previously performed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 9, 1866.

CHAPTER 67.

[*Published April* 19, 1866.]

AN ACT to authorize the superintendent of public instruction to procure the publication of the school code.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Publication of school code.

SECTION 1. The superintendent of public instruction is hereby authorized to procure the publication, in pamphlet form, of eight thousand copies of a school code, containing all the school laws of the state, together with necessary instructions and forms, and plans and specifications for school houses, with a suitable index; and when printed, he shall furnish a copy of said code to each school district clerk, each town clerk, and each county and city superintendent of schools in the state.

Appropriation

SECTION 2. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, a sum sufficient to meet the expense of printing the said code, as above set forth.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 9, 1866.

CHAPTER 68.

[*Published April* 14, 1866.]

AN ACT to exempt property of the American bible society and its auxillaries and branches, from taxation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Exemption.

SECTION 1. That all bibles and testaments owned in this state by the American bible society, organized in the city of New York, in the year 1816, or by any of its auxiliaries or branches, together with all other personal property necessary for the prosecution of their objects as a bible society, shall be exempt from all assessments and taxation whatever.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 9, 1866.

CHAPTER 69.

[*Published April* 18, 1866.]

AN ACT to provide for the collection of certain agricultural and manufacturing statistics, for the year 1865.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be the duty of the assessors of the several towns and cities in this state, at the time of making the annual assessment of personal property for the year 1866, to collect the statistics in their several towns and cities, of the following mentioned articles grown, raised or manufactured during the year 1865: Collection of statistics for 1865.

Articles.

Apples; bushels, valuation.
Agricultural implements and machinery; valuation.
Barley; acres, bushels, valuation.
Boot and shoes; pairs, valuation.
Beans and peas; acres, bushels, valuation.
Buckwheat; acres, bushels, valuation.
Butter; pounds, valuation.
Cabinet ware; valuation.
Capital invested in manufactures.
Cattle and calves on hand; number and valuation.
Cattle and calves slaughtered; number and valuation.
Cheese; pounds, valuation.
Clover seed; pounds, valuation.
Copper ore; tons, valuation.
Copper manufactures; valuation.
Corn; acres, bushels, valuation.
Cotton goods; yards, valuation.
Drain tiles; number, valuation.
Earthern ware; valuation.
Flax; pounds, valuation.
Flax seed; bushels, valuation.
Grapes; pounds, valuation.
Honey; pounds, valuation.

Hay; acres, tons, valuation.
Hops; pounds, valuation.
Hemp; pounds, valuation.
Hogs on hand; number, valuation.
Hogs slaughtered; number, valuation.
Horses and mules; number, valuation.
Iron castings; valuation.
Iron, pig; pounds, valuation.
Linseed oil; gallons, valuation.
Leather; valuation.
Lumber sawed; feet, valuation.
Lead smelted; valuation.
Leaden manufactures, shot, &c.; valuation.
Lead raised; valuation.
Maple sugar; pounds, valuation.
Oats; acres, bushels, valuation.
Paper; reams or pounds, valuation.
Potatoes; acres, bushels, valuation.
Rye; acres, bushels, valuation.
Sorghum; acres.
Sorghum molasses; gallons, valuation.
Shingles; number of thousand, valuation.
Sheep and lambs on hand; number, valuation.
Sheep and lambs slaughtered; number, valuation.
Timothy and other grass seed; bushels, valuation.
Wood and willow ware; valuation.
Wagons and carriages; number, valuation.
Woolen fabrics; yards, valuation.
Wheat; acres, bushels, valuation.
Whisky; gallons, valuation.
Wine; gallons, valuation.
Wool; pounds, valuation.

When returns to be made.

Compensation.

Returns of said statistics shall be made to the clerks of the county boards of supervisors on or before the first Monday in August, of the year 1866. For performing such services, the several assessors shall be allowed for the extra time so employed, and the same rate per diem as is allowed for making the assessment, to be audited by the proper authorities of the town, city or village in which the duty may have been performed. For compiling, copying, footing up and returning to the secretary of state such statistics by the clerks of the several county boards of supervisors, they shall be allowed such sums as the boards of supervisors of the several counties may determine.

SECTION 2. It shall be the duty of the secretary of state, before the first day of May next, to furnish the clerk of the board of supervisors of each county of this state, a sufficient number of blanks for taking said statistics. Sec'y of state to furnish blanks to clerks of boards.

SECTION 3. It shall be the duty of the clerks of the county boards of supervisors to furnish each town or city assessor with blank forms on or before the twentieth day of May next, for the purposes of this act. Clerks of boards to furnish blanks to assessors.

SECTION 4. It shall be the duty of the clerks of the boards of supervisors of the several counties of this state, on or before the first Monday of September next, to transmit to the secretary of state a copy of the foregoing returns made to them by the several town and city assessors of their counties. Returns to be sent to sec'y of state.

SECTION 5. It shall be the duty of the secretary of state to prepare and embody in his next annual report to the legislature, a tabular statement of the statistics required by the first section of this chapter, and he shall transmit a copy of the same to the commissioner of patents. It shall also be his duty to carefully estimate the valuation of each article (before being marketed) in each county of the state, the cost to lay the same down on some lake port, and to carefully estimate and report the valuation of the same article delivered at New York; said estimates to be substantially in the following form: To be published by sec'y of state.

Counties.	Bushels wheat.	Valuation where raised.	Valuation on lake shore.	Valuation in New York.
Dane.	—	$—	$—	$—

Provided, however, that such estimates need include only the articles of wheat, corn, oats, barley, rye, pork, butter, cheese and wool. The estimate for lumber shall be made on its valuation at Chicago or St. Louis.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 9, 1866.

CHAPTER 70.

[*Published April* 14, 1866.]

AN ACT to amend section 1 of chapter 174 of the general laws of 1863, entitled "an act to provide for an order of reference to take testimony, in certain cases."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Order may be granted by judge or court] commissioner.

SECTION 1. Section 1 of chapter 174 of the general laws of 1863, is hereby amended, so as to read as follows: "Section 1. In all actions now pending or hereafter commenced in the circuit courts of this state, if the defendant fail to answer the complaint, the plaintiff may apply to the judge of said court, a county judge, or court commissioner, and obtain an order of reference to take the proof of the facts and circumstances mentioned in the complaint in such action, and report the same to the next or some subsequent term of said court; and such reference may be executed in any county within the state best suited to the convenience of the plaintiff's witnesses and attorneys, and such order and report shall have the same force and effect as an order made in open court."

Where it may be executed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 9, 1866.

CHAPTER 71.

[*Published April* 16, 1866.]

AN ACT in addition to section 41 of chapter 13 of the revised statutes, entitled "counties and county officers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Competency of judge, in case of suits against counties.

SECTION 1. Section forty-one of chapter thirteen of the revised statutes, entitled "counties and county officers," is hereby amended, by adding thereto the following proviso: "*provided*, that no judge of a circuit court

to which any such appeal may me taken, shall be disqualified or be incompetent to try such appeal, by reason of being a tax-payer in the county in which such appeal is taken."

SECTION 2. This act shall apply to any such appeals now pending, shall be published immediately, and shall take effect from and after its passage and publication. Application.

Approved April 9, 1866.

CHAPTER 72.

[*Published April* 20, 1866.]

AN ACT to enable counties to secure certain dues.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be the duty of the several town clerks in this state, to furnish to the clerk of the county board of supervisors of the county in which they reside, annually, on the first day of November, a statement showing the number of licenses granted in their respective towns during the year, to persons to sell spirituous, ardent or intoxicating liquors, and the name or names of the person or persons so licensed, and the amount paid for each license so granted; also, the names and number of persons selling liquors in their respective towns without license from the town board of supervisors, during the year. Town clerks to furnish clerks of boards with list of liquor licenses granted, and list persons selling without licenses.

SECTION 2. It shall be the duty of the clerks of the county boards of supervisors of the several counties in this state, to carefully compare the statements furnished them in accordance with the requirements of section 1 of this act, with the returns of the several town treasurers of moneys received for licenses; and if it shall appear that the moneys paid for such licenses, now required by law to be paid into the county treasury, have not been so paid, or that any persons have been permitted to sell intoxicating liquors without license in any town, such county clerk shall charge such town thus in default, or permitting such sale without license, an amount equal to the minimum now required by law Lists to be compared, &c. Towns to pay for each person selling liquor, whether licensed or not.

for such license, for each license so granted and each person selling intoxicating liquors without license.

How to be apportioned and collected.

SECTION 3. The amount so charged to each town shall be annually added to the county tax apportioned to such town, and be levied and collected in the same manner as other county taxes are collected, and be paid over to and applied by the county treasurer in the same manner and for the same purposes which by law moneys now collected for licenses for the sale of intoxicating liquors, are directed to be appropriated: *provided*, that the provisions of this act shall not affect incorporated villages and cities in this state, not required by law to pay moneys received for licenses, in whole or in part, into the county treasury: *provided*, that the provisions of this act shall only apply to such counties as pay their license money to the county treasurer.

Not applicable to certain cities and villages.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 9, 1866.

CHAPTER 73.

[*Published April* 21, 1866.]

AN ACT to extend the time exempting certain lands from taxation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Extended to June, 1871.

SECTION 1. All the lands granted by the act of congress approved June 3, 1856, and the acts amendatory thereof, entitled "an act granting public lands to the state of Wisconsin, to aid in the construction of railroads in said state," are hereby exempt from taxation and from assessments of any kind, up to the 3d day of June, 1871, the time limited by congress for the completion of the roads and carrying out the terms of the grant, having been extended to that date: *provided*, that such lands, or any part thereof, shall not be exempt from taxation from and after the time the same shall be sold, contracted to be sold, leased, or in any manner conveyed by any railroad company; *and pro-*

Provisos.

vided, further, that such exemption shall not extend to any lands which may now be or hereafter improved.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 9, 1866.

CHAPTER 74.

[*Published April* 20, 1866.]

AN ACT to abolish distress for rent.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The common law right of a landlord to distrain for rent, is hereby abolished. Abolished.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 9, 1866.

CHAPTER 75.

[*Published April* 20, 1866.]

AN ACT to amend section 68, chapter 10, of the revised statutes, entitled "state superintendent."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section sixty-eight of chapter ten of the revised statutes, is hereby amended, so as to read as follows: "It shall be the duty of the state superintendent, between the tenth and fifteenth days of June, in each year, to apportion and distribute the income of the state fund for the support of common schools, which shall have been received up to the first day of June, in each year, among the several counties of this state, and the share of each county, among its respective towns and cities, according to the number of children in each, Annual apportionment of school moneys.

over the age of four and under the age of twenty years, according to the returns thereof as made to his office, for the preceding year: *provided*, that no moneys shall be apportioned to any town for any district therein, for any year during which such district shall not have maintained a public school, taught by a qualified teacher, the number of months prescribed by law."

Districts not entitled, unless schools have been taught therein.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 9, 1866.

CHAPTER 76.

[*Published April* 20, 1866.]

AN ACT to provide for the collection of school district taxes, when the collection thereof has been enjoined.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

In case tax is not paid within thirty days after injunction is dissolved.

SECTION 1. In all cases where any officer has been or hereafter may be enjoined from the collection of any school district tax or taxes levied or assessed upon any land or lands subject under any law of this state to taxation, and where such injunction shall be dissolved by order of court, if such tax or taxes shall remain unpaid for thirty days after the dissolving of such injunction, such tax or taxes shall be collected in the manner hereinafter provided.

Tax list to be made out.

SECTION 2. The clerk of the district by and in which such tax or taxes were voted to be raised, shall make out a tax list, and shall enter therein the names of the person or persons liable to pay such tax or taxes, and opposite to each such name, in separate columns prepared for that purpose, he shall enter the amount of personal property belonging to such person, the amount of tax thereon, the collection of which has been enjoined as aforesaid, a description of the real estate belonging to such person, the valuation thereof, and the amount of tax thereon, the collection of which has been enjoined as aforesaid. The names of such person or persons, the amount of such personal property, the

description of such real estate, the valuation thereof, and the amount of such tax, shall be ascertained so far as possible from the assessment roll which was in the hands of the officer at the time the collection of such tax was enjoined.

Tax list and warrant to be placed in the hands of treasurer.

SECTION 3. The clerk of such district shall annex to such tax list a warrant under his hand, directed to the treasurer of such district, and commanding him, the said treasurer, to collect from each of the taxable persons and corporations named in such tax list, and the owners of the real estate described therein, the several sums set opposite to the persons and corporations so named, and to the several tracts of land so described, within ten days from the date thereof, and within five days from the date of such warrant, personally to demand such tax of the persons charged therewith in such list, if they be found within his district, or upon the lands placed opposite their respective names in such list; and if any such tax shall not be paid within said five days, to collect the same by distress and sale of personal property, in the same manner as town treasurers are authorized to collect town and county taxes; and the said treasurer shall execute said warrant and return the same to the clerk of such district, at the expiration of the time limited therein for the collection of such tax list.

If tax not paid within five days, may distrain.

Treasurer's return of delinquent taxes.

SECTION 4. If any tax on real estate in any tax list delivered to the treasurer of any school district, shall remain unpaid at the time he is required by law to return his warrant to the clerk of the district, such treasurer shall make out and deliver to the county treasurer of his county, a statement in writing, containing a description of the lots and pieces of land upon which such tax remains so unpaid, together with the amount of tax assessed to each, and the name of the person to whom each lot or piece of land is assessed; and he shall make and subscribe an affidavit to such statement before some justice of the peace, or other person authorized to administer oaths, that the taxes mentioned in such statement remain unpaid, and that after diligent efforts he has been unable to collect the same; and whenever any school district shall embrace parts of more than one county, such treasurer shall make his return as aforesaid to the county treasurer of the county in which the lands upon which such tax remains so unpaid, shall be situated.

In case district in two counties.

Certificate of delinquent taxes.

SECTION 5. The county treasurer upon delivery to him of such statement, shall give a certificate to the district treasurer of the amount of taxes so remaining unpaid, as the same shall appear from the statement of such district treasurer, which certificate shall be deposited by the district treasurer with the district clerk, and shall be filed by such clerk.

Sale of lands for delinquent taxes.

SECTION 6. The county treasurer immediately upon receiving such statement, shall proceed to advertise and sell the said lands upon which such taxes remain unpaid as aforesaid, as appears from such statement, in the same manner and with the like notice as he is authorized to sell lands for unpaid taxes returned to him by the town treasurer.

Payment to district.

SECTION 7. At any time within twenty days after such lands shall be sold as aforesaid by the county treasurer, the district treasurer shall present to the county treasurer a copy of the certificate so delivered to him as aforesaid by the county treasurer, which said copy shall be certified to by the district clerk, and the county treasurer shall pay to such district treasurer the amount of taxes due to such district, as soon thereafter as the same is collected.

SECTION 8. This act shall take effect and be in force from and after its passage.

Approved April 9, 1866.

CHAPTER 77.

[*Published April* 19, 1866.]

AN ACT for the regulation of trade, in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appointment of fish inspector.

SECTION 1. There shall be a state inspector of fish appointed by the governor, with the advice and consent of the senate, for the term of five years from the time of appointment, unless sooner removed, who, before entering upon the duties of his appointment, shall take the oath prescribed by section 28, article 4, of the constitution of this state, and shall also give bond, with

To take constitutional oath and give bond.

sufficient sureties, to the treasurer of the state, in the penal sum of twenty thousand dollars, for the faithful discharge of the duties of his office.

Inspectors may appoint deputies.

SECTION 2. The said state inspector shall appoint a deputy inspector in each of the counties of this state bordering upon Lake Michigan and Green Bay, who shall be removable at his pleasure. He shall take bonds of each deputy, with sufficient sureties, and shall receive from each deputy a fee of two dollars for his commission and bond; and the said state inspector shall be answerable for the official conduct of his deputies.

Deputies to take oath.

SECTION 3. Each deputy inspector before entering upon the duties of his office, shall take the oath of office prescribed in this act for the inspector.

Inspectors to annually report to secretary of state.

SECTION 4. The state inspector shall annually, in the month of December, make a return to the secretary of state of the quantity of fish inspected by him and his deputies during the year next preceding the first day of said December, and in each return he shall specify the different kinds and qualities, and the quantity of each quality so inspected.

Inspection of fish, &c.

SECTION 5. The inspector and his deputies shall, on application made to them for that purpose, proceed to examine any pickled fish submitted for inspection, and shall see that the same are well struck with salt or pickle in the first instance, and preserved sweet, and free from rust, taint or damage; and such fish as shall be found in good order, and of a good quality, shall be packed either in barrels containing two hundred pounds, or in half-barrels containing one hundred pounds.

Packing and salting of fish.

SECTION 6. Such fish shall be packed with good clean salt suitable for that purpose, and after packing said fish with sufficient salt to preserve them, and heading said casks, they shall be filled up with a clear, strong pickle; and the fish denominated white fish, of good quality, properly cleaned and in good order, may be packed as aforesaid without being previously salted or pickled.

Casks to be numbered and branded.

SECTION 7. Each cask shall be filled with fish of one and the same kind, and the inspector and his deputies shall brand in plain, legible letters on the head of each cask of fish inspected by them, respectively, "number one," or "number two," or "number three," representing the quality of fish packed or repacked. He shall also brand on one head of each cask the denomination

of the fish, the initials of the Christian name and the whole of the surname of the inspector or his deputy, the name of the county in which such fish are inspected, the letters "Wis.," abbreviated for Wisconsin, and the month and year of the inspection: *provided*, that where fish are condemned as sour or rusty, the cask shall be branded with the words "sour," or "rusty."

Penalty for intermixing fish &c.

SECTION 8. If any person with intent to defraud, shall intermix, take out or change any inspected fish which shall be packed and branded as aforesaid, or shall put any other fish in any cask so branded for sale or exportation, or if any person shall counterfeit any brand marks of said inspector or either of his deputies, on any cask containing fish, he shall forfeit twenty dollars for each offense.

Wood of which casks to be made. &c.

SECTION 9. All casks used for packing or repacking fish shall be made of sound, well-seasoned white, red or black oak, white ash or white pine timber. The barrels or half-barrels shall be well hooped, with at least ten good hoops each, and shall be made in a substantial and workman-like manner.

Fees.

SECTION 10. The fees for overhauling, inspecting, repacking and branding for each barrel, seventy-five cents; for each half-barrel, forty cents, exclusive of cooperage, which fees shall be paid by the person employing the inspector.

Ibid.

SECTION 11. The state inspector may receive from each of his deputies for every cask of fish inspected by him, the following fees: For each barrel, four cents; for each half-barrel, two cents.

Penalty for exporting tainted fish, &c.

SECTION 12. If any person shall sell within this state, or shall expose [export] or cause to be exported therefrom, any tainted or otherwise damaged fish, without being branded as "sour," or "rusty," unless with the intent that the same shall be used for some other purpose than as food, he shall forfeit the sum of ten dollars for every one hundred pounds of such fish, and in the same proportion for any other quantity thereof; and upon any trial in such case, the burden of proof shall be upon the defendant to show for what purpose such fish were exported or sold.

Penalty for branding bad fish.

SECTION 13. If any inspector or deputy inspector of fish shall brand any cask of fish, the contents of which he has not duly inspected and ascertained to be good, or if he shall permit any other person to use his brand

in violation or evasion of the provisions of this act, he shall forfeit for each offense the sum of twenty dollars, and shall be removed from office.

SECTION 14. This act shall take effect and be in force from and after its passage.

Approved April 10, 1866.

CHAPTER 78.

[*Published April* 12, 1866.]

AN ACT for the relief of persons who have served in the army and navy of the United States.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

In case of land of soldiers sold for non-payment of taxes.

SECTION 1. In any case where any land has been forfeited to the state by reason of non-payment of principal or interest due the state thereon, and such land has been resold by the state, the commissioners of school and university lands may revoke such certificate of sale in all cases where it shall be made to appear to their satisfaction the debtor's default was caused by his absence in the military or naval service of the United States; and in all such cases the moneys paid by the person to whom the land was resold, shall be returned to the persons paying the same.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 11, 1866.

CHAPTER 79.

[*Published April* 21, 1866.]

AN ACT to provide for levying and collecting a tax to pay to the school fund income the interest on the amount which was retained by the United States from the five per cent. fund, in its settlement with the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Levy and collection of tax of $101,262 33.

SECTION 1. There shall be levied in the year 1866, and annually thereafter, a state tax sufficient to pay the annual interest on the sum of one hundred and one thousand two hundred and sixty-two dollars and thirty-three cents, the amount of the five per cent. fund which was withheld by the United States government in its settlement with this state as a set-off to an equal amount for which the territory of Wisconsin became responsible on account of the Rock river canal lands; and such tax shall be levied upon the taxable property of the state, real and personal, and collected and paid into the state treasury, as provided by law.

Apportionment of tax.

SECTION 2. The secretary of state shall apportion said tax among the several counties of this state, as provided by law, on or before the second Monday of October next, and certify the same to the clerk of the board of supervisors of each of the several counties, as provided by law.

To be placed to credit of school fund income.

SECTION 3. When said tax shall be received by the state treasurer, he shall place the same to the credit of the school fund income.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 11, 1866.

CHAPTER 80.

[*Published April* 21, 1866.]

AN ACT requiring the state treasurer to retain a certain sum of money in the general fund.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

State treasurer to retain $528,000.

SECTION 1. It shall be the duty of the state treasurer to retain in the general fund the sum of five hundred and twenty-eight thousand dollars, which was levied on the taxable property of the state, under chapter 478 of the general laws of 1865, for the purpose of paying the temporary loan made from the trust funds of the state, for which certificates of indebtedness were issued by authority of said chapter 478; and the money aforesaid shall remain in the state treasury, subject to the payment of the appropriations made for the year 1866, and the current expenses of the state.

How to be used.

Sale of certificates of indebtedness.

SECTION 2. The certificates of indebtedness mentioned in section one of this act, shall be disposed of in accordance with the provisions of chapter 25 of the general laws of 1866.

SECTION 3. This act shall take effect from and after its passage.

Approved April 11, 1866.

CHAPTER 81.

[*Published April* 14, 1866.]

AN ACT to authorize the supreme court to appoint a crier.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May appoint crier—his fees.

SECTION 1. The supreme court is hereby authorized to appoint a crier for said court. Said crier shall likewise attend said court, and perform all the duties now required by law of the sheriff. He shall be allowed the sum of one dollar for each day's actual attendance upon

said court, to be ascertained by the certificate of the justices of said court, or a majority of them.

Repeal.

SECTION 2. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 11, 1866.

CHAPTER 82.

[*Published April* 21, 1866.]

AN ACT to authorize the state treasurer to pay certain state scrip therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Payment of state scrip stolen from Rockwell & Co.'s bank.

SECTION 1. The state treasurer is hereby authorized and directed to pay to Rockwell & Co.'s bank, of this state, the state scrip or certificates of indebtedness heretofore issued by the state treasurer pursuant to chapter 282 of the general laws of 1865, with the accrued interest on the same, to the 31st day of December, A. D. 1865, which certificates, it is alleged, were stolen from said Rockwell & Co.'s bank, and are now outstanding and unpaid: *provided, however*, before such payment shall be made, the said Rockwell & Co.'s bank shall fully indemnify the state, to the satisfaction of the said treasurer, against all liability of the state to pay any of said certificates so alleged to have been stolen, and now outstanding and unpaid. The following are the numbers, dates and amounts of said certificates, and the persons to whom issued, respectively:

Proviso.

Certificates stolen.

1865—April 18th.	L. G. Rockwell.	No.	167	$74
" " 27	Rockwell & Co.	"	434	100
" " 27	do	"	435	100
" " 27	do	"	436	100
" " 27	do	"	437	100
" " 27	do	"	438	100
" " 27	do	"	439	100
" " 27	do	"	440	100

1865—April	27	Rockwell & Co.	No.	441	$100
" "	27	do	"	442	100
" "	27	do	"	464	128
" May	2d	do	"	553	25
" "	2	do	"	554	25
" "	2	do	"	555	25
" "	2	do	"	556	25
" "	2	do	"	575	25
" "	2	do	"	576	25
" "	2	do	"	577	25
" "	2	do	"	578	25
" "	2	do	"	579	25
" "	2	do	"	580	25
" "	2	do	"	581	25
" "	2	do	"	582	25
" "	2	do	"	583	25
" "	2	do	"	584	25
" "	2	do	"	585	25
" "	2	do	"	586	25
" "	2	do	"	587	25
" "	2	do	"	588	25
" "	2	do	"	589	25
" "	2	do	"	590	25
" "	2	do	"	646	100
" "	2	do	"	648	100
" "	2	do	"	649	184
" July	11	do	"	1871	19
" May	6	Charles Lyon,	"	778	95
" "	6	do	"	1124	220
" "	6	do	"	1125	276
" "	6	do	"	1870	17

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 11, 1866.

CHAPTER 83.

[*Published April* 21, 1866.]

AN ACT to provide payment for the services of sheriffs for transporting prisoners to the state prison, and to repeal chapter 343 of the general laws of 1860, entitled "an act to amend section 11 of chapter 188 of the revised statutes, entitled 'of the state prison.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be the duty of the sheriff of each county of this state, or the deputy of such sheriff, Sheriffs to convey convicts to state prison, &c.

to convey to the state prison all persons convicted in his county, and sentenced to be confined in the state prison, as soon as may be after such conviction and sentence shall have been had; and upon the delivery of such convict or convicts to the commissioner, together with a copy of the sentence of the court ordering such imprisonment, the commissioner shall deliver to such sheriff or deputy sheriff a receipt, in which he shall acknowledge having received the prisoner or prisoners (naming them,) which receipt the said sheriff or deputy sheriff shall file in the office of the clerk of the circuit court where such conviction and sentence were had.

Expenses to be paid by proper county.

SECTION 2. Such sheriff or deputy shall be entitled to receive from the treasury of the proper county, the amount actually and necessarily expended by him in transporting such prisoner or prisoners, including the amount paid for boarding and lodging, and such guards as may have been necessarily employed by such sheriff or deputy sheriff, and such further reasonable sum as shall be a fair compensation for the time necessarily spent in transporting such prisoner or prisoners, to be fixed and allowed by the proper auditing officer or auditing board of the proper county.

Repeal.

SECTION 3. Chapter 343 of the general laws of 1860, entitled "an act to amend section 11 of chapter 188 of the revised statutes, entitled 'of the state prison,'" is hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1866.

CHAPTER 84.

[*Published April* 14, 1866.]

AN ACT to amend section 95 of chapter 13 of the revised statutes, entitled "of counties and county officers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Attorneys not] receivable as sheriff's sureties.

SECTION 1. Section 95 of chapter 13 of the revised statutes, is hereby amended, by adding thereto the fol-

lowing proviso: "*provided*, that no practicing attorney of any court shall be received as such surety."

SECTION 2. This act shall take effect and be in force immediately after its passage.

Approved April 11, 1866.

CHAPTER 85.

[*Published April* 21, 1866.]

AN ACT relating to the vacation of town, city or village plats, or any part thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

County boards may vacate plats of cities, towns and villages, streets, alleys, &c.

SECTION 1. Subdivision 8 of section 28 of chapter 13 of the revised statutes, entitled "of counties and county officers," is hereby amended, so as to read as follows:

"8. To alter or vacate any city, town or village plat, or any part thereof, or any street or alley therein, surveyed and recorded in any such county, upon petition by the proprietor or proprietors of any such city, town or village, or any part thereof or lot therein, and upon such notice by such petitioner or petitioners as is required in vacating town, city or village plats in the circuit court."

SECTION 2. This act shall take effect from and after its publication.

Approved April 11, 1866.

CHAPTER 86.

[*Published April* 21, 1866.]

AN ACT to amend chapter 25 of the general laws of 1863, entitled "an act to amend section 1 of chapter 148 of the revised statutes, entitled 'of proceedings by and against corporations.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Actions against corporations—how commenced.

SECTION 1. Section 1 of chapter 148 of the revised statutes, entitled "of proceedings by and against corporations," is hereby amended, so as to read as follows: "Actions against corporations may be commenced in the same manner that personal actions are commenced against individuals. The summons or process by which the action is commenced, shall be served by delivering a copy thereof to the president or other head of the corporation, secretary, cashier, treasurer, director or managing agent thereof; and in case any railroad company whose general office is not within this state, shall be defendant, the summons or process may be served by delivering a copy thereof to any station, freight or ticket or other agent in the employ of said company, in this state; but such service can be made, with respect to a foreign corporation, only when it has property within this state, or the causes of action arose therein, or where the cause of action exists in favor of a resident of this state."

SECTION 2. This act shall take effect immediately.

Approved April 11, 1866.

CHAPTER 87.

[*Published April* 14, 1866.]

AN ACT to regulate the weight of rape seed.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Weight of rape seed.

SECTION 1. Whenever rape seed shall be sold by the bushel, and no special agreement as to the measure or

weight thereof shall be made by the parties, the measure thereof shall be ascertained by weight, and shall be computed as follows: Fifty pounds shall constitute a bushel of rape seed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 11, 1866.

CHAPTER 88.

[*Published April* 18, 1866.]

AN ACT in relation to the election of officers of corporations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The stockholders of all corporations incorporated under the laws of this state, shall be entitled to one vote for every share of stock held and owned by them, at every meeting of the stockholders of such company, and at every election of officers of said company; and at such elections every stockholder in the company shall be entitled to cast one vote for every share of stock owned by him or her, for the directors of such company, either in person or by proxy duly made and executed as may be required by the by-laws of such corporation.

One vote for each share of stock owned.

How may be cast.

SECTION 2. It shall be the duty of the directors of every corporated company to call and order all elections of officers of such companies annually, and in case they refuse so to do, the stockholders thereof who do own and represent a majority of the stock of said company, may call an election upon giving the notice required to be given by the directors, by the rules and by-laws of such company; and at such meeting the stockholders may elect one of their members president, and three of their members to act as inspectors of said election, who shall receive, canvass, certify and declare the result of such election, and such election shall be as valid as if it had been called by the directors, as provided by the act of incorporation, or the by-laws of the company.

Annual meeting for election of officers.

Application.

SECTION 3. This act shall apply to all corporations created by or under the laws of this state, and any and all acts and parts of acts inconsistent herewith, are hereby repealed.

SECTION 4. This act shall take effect from and after its passage and publication.

Approved April 11, 1866.

CHAPTER 89.

[*Published April* 21, 1866.]

AN ACT to provide for the expenditures authorized by the resolutions therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Auditing of certain accounts.

SECTION 1. The secretary of state is hereby authorized and required to audit the accounts for expenditures under and in pursuance of the following resolutions of the senate and assembly, viz.: No. 10, S., relative to adjutant-general's report; No. 21, A., relative to adjutant-general's report; No. 72, A., relative to surgeon-general's report; No. 111, A., relative to diagrams of assembly chamber; No. 62, S., relative to diagrams of senate chamber.

Appropriation

SECTION 2. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, belonging to the general fund, a sum sufficient to pay the accounts authorized by this act to be audited.

Approved April 11, 1866.

CHAPTER 90.

[*Published April* 18, 1866.]

AN ACT to provide for the enlargement of the Wisconsin state hospital for the insane.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Longitudinal and transverse wing.

SECTION 1. The board of trustees for the Wisconsin state hospital for the insane, are hereby authorized and empowered to contract for the construction of a longitudinal and transverse wing, in connection with the east and west extremity of the wings already built on [the] east side of the main building of said hospital for the insane, corresponding in general dimensions and style of architecture with the longitudinal and transverse wings already erected in connection with said main building.

Advertising for proposals.

SECTION 2. The said board shall advertise for proposals for doing said work and furnishing materials for the same, in one or more contracts, as they shall deem advisable, for four consecutive weeks, in not less than three daily newspapers, published at different places in the state, before any contract shall be let for the erection of said building. Such proposals shall be sealed up and directed to the secretary of the board, and shall be carefully preserved by him until the time designated for opening the same; at which time he shall lay such sealed proposals before the board of trustees, or such committee as may be designated by said board, who shall proceed to open and carefully consider the same. After each of such proposals shall have been carefully examined and computed, the contract or contracts for which such proposal shall have been made, shall be let by the board of trustees to the lowest and best bidder, if such person or persons designated as the lowest or best bidder shall give a bond, made payable to the state of Wisconsin, in such sum and with such sureties as shall be approved by the board, which bond shall be conditioned for the prompt and faithful execution of said work, according to the terms to be specified in the contract. If the person or persons first designated shall fail to give the required bond, then the next lowest bidder shall be designated, and so on until said bond

Contract to be let to lowest bidder.

Bond.

When contract may be let to next lowest bidder.

shall have been obtained, or said board may in their discretion advertise for new proposals: *provided, however*, that said board shall not accept any bid which in their opinion shall involve a greater outlay of money than the amount appropriated by this act.

Work to be under direction of trustees.

SECTION 3. Said work shall be executed by and under the direction and control of the board of trustees, or such committee as they shall appoint, who shall provide for the completion of the same at the earliest period compatible with proper economy in building, and with the permanence and durability of the structure. The board are hereby authorized to employ a competent architect, if they deem it advisable, to be paid for his services out of the appropriation made by this act, in such manner as they shall provide.

Architect.

Duty of trustees.

SECTION 4. It shall be the duty of the said board of trustees to so construct the internal arrangements of said wings as, in conjunction with the present building, to afford accommodation for the reception and treatment of the largest practicable number of insane persons consistent with the welfare and proper treatment of such persons.

May delegate powers to executive committee.

SECTION 5. The board of trustees may delegate to their executive committee such powers and require of said committee the performance of such duties as are required of said board to carry out the provisions of this act, said committee being at all times subject to the control and direction of the board; and the said board of trustees shall set forth in its annual report the proceedings had and expenses incurred by virtue of this act.

Appropriation.

SECTION 6. The sum of ninety-eight thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the construction of the work authorized by this act,

85 per cent. only to be paid until work is completed.

but not more than eighty-five per cent. shall be paid on the contract price of any work, until such work shall have been completed and accepted by the board. The secretary of state shall issue his warrant on the state treasurer for such portions of the sum hereby appropriated, to be drawn by the treasurer of the hospital, as the board of trustees by their order, or the order of the executive committee, shall from time to time require in the prosecution and payment of the work authorized by

But $50,000 to be paid first year.

this act: *provided*, that no more than fifty thousand

dollars shall be drawn from the treasury under this act, within the twelve months next ensuing the passage of this act.

SECTION 7. This act shall take effect and be in force from and after its passage.

Approved April 11, 1866.

CHAPTER 91.

[*Published April* 21, 1866.]

AN ACT to amend chapter 198 of the general laws of 1860, entitled "an act to amend chapter 18 of the revised statutes, entitled 'of the assessment and collection of taxes.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When person summoned before justice for non-payment of taxes, to be discharged.

SECTION 1. Section one of chapter one hundred and ninety-eight of the general laws of (*A. D.*) 1860, is hereby amended, by adding to the end of said section the following words: "And if it shall appear on the trial, that while the town treasurer had the tax warrant in his hands, the defendant had sufficient personal property on his premises in said town, subject to the payment of such tax, and out of which said treasurer might at any time have levied and collected said tax, then the defendant shall be discharged."

Approved April 11, 1866.

CHAPTER 92.

[*Published April* 21, 1866.]

AN ACT to amend chapter 124 of the revised statutes, entitled "of the manner of commencing civil actions."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Suits in which the state is a party defendant.

SECTION 1. Whenever it shall be necessary to make the state a party defendant in any suit or proceeding

connected [commenced] in the circuit court, the same
Service of process may be done; and the service of process in all such cases shall be made by delivering a copy to the attorney general of the state, or leaving such copy at his office, at least twenty days before the return day thereof:
Costs. *provided, always*, that no judgment rendered any in such action shall be evidence of any public debt against the state, nor shall the state be held liable to pay any such judgment, or any part thereof, or for any costs which may accrue in the prosecution thereof.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1866.

CHAPTER 93.

[*Published April 21, 1866.*]

AN ACT to amend sections 1 and 3 of chapter 415 of the general laws of 1865, entitled "an act to amend chapter 404 of the general laws of 1862, entitled 'an act to regulate the license and keeping of dogs,'" and to provide for the disposition of certain moneys.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Collection of delinquent personal property taxes. SECTION 1. In addition to the remedies provided by sections 100 and 101 of chapter 18 of the revised statutes, and by other laws of this state for the collection of delinquent personal property taxes, it is hereby further provided, that the county treasurer may issue a special warrant, in any convenient and proper form, to the sheriff of his county, or to the sheriff of any other county in this state, commanding the collection of the delinquent personal property tax of any person or persons so appearing delinquent upon the books of his office. Such warrant may provide for the collection of the delinquent tax of any one or more individuals, in the discretion of the county treasurer, and may be issued at any time while said tax remains unpaid.

Execution of process. SECTION 2. Said warrants shall have the same force and effect, and shall be executed by the officer to whom the same shall be directed in the same manner, as is

provided by law in relation to other warrants of the county treasurer for the collection of unpaid personal property taxes.

SECTION 3. This act shall take effect from and after its passage.

Approved April 12, 1866.

CHAPTER 94.

[*Published April* 24, 1866.]

AN ACT to authorize the use of the moneys arising from the sale of certain swamp and overflowed lands in the county of Outagamie, for drainage and other purposes, and to amend chapter 537 of the general laws of 1865, relating thereto.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Certain lands reserved from sale under chapter 537, laws of 1865, and granted to Outagamie county.

SECTION 1. All the swamp and overflowed lands in the county of Outagamie, selected for said county by the commissioners of school and university lands, under and in pursuance of the provisions of chapter 537 of the general laws of 1865, are hereby reserved from sale by the said commissioners, as directed in said act, and the said lands shall be held subject to be disposed of in the manner provided by this act, anything in said chapter 537 to the contrary notwithstanding.

Commissioners to hold or convey said lands.

SECTION 2. James Gilmore, Byron Douglas and Joseph H. Marston, of said county of Outagamie, are hereby appointed commissioners, to be known as "the Outagamie county swamp land commissioners," and as such they are hereby authorized and empowered to act for and on behalf of said county in the execution of the trust created by this act; and by their said name shall be capable in law of taking, holding, leasing and contracting for selling and conveying the lands, or any portion thereof, described in the first section of this act, and appropriating the moneys arising from the sale thereof, so far as may be necessary for the purposes mentioned in this act, and no further; and in that name may contract and be contracted with, sue and be sued, may have a common seal, and alter and renew the same

at pleasure, and may have and exercise all the powers, rights, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as the same are herein set forth.

Meetings, and officers of board.

SECTION 3. The said commissioners, or a majority of them, shall be competent to hold meetings and transact the business of said board of commissioners; and at the first meeting they shall elect one of their number president, and one treasurer, and shall appoint a secretary, to serve for the term of one year, and until their successors shall be duly elected, appointed and qualified; and such first meeting shall be held at such time and place as they, or a majority of them, may in writing designate, of which the other commissioner shall have written notice of at least ten days; and all subsequent meetings of said board of commissioners shall be held at such times and places as said board may by resolution passed designate.

Where meetings to be held.

Duties of president.

SECTION 4. The president shall preside at all meetings of the board, and perform all such duties as may be imposed upon him by resolution, or rules and regulations adopted by the board, and in case of his absence or inability to discharge such duties, the board may appoint a president *pro tem.* The treasurer shall keep and disburse all moneys which may come into his hands upon orders signed by the president and countersigned by the secretary, and issued under direction of said board; and he shall enter into bond in such penalty and with such surety as the majority of the county board of supervisors of Outagamie county shall direct and approve, to the said board, conditioned for the faithful discharge of the duties of his office, as defined by this act, and by resolutions and rules and regulations of said board. The secretary shall keep a full and correct record of all the proceedings of said board, and of all documents and papers signed by the president and countersigned or signed by himself, under the direction of the board, which record shall at all times during business hours be open to the inspection of any citizen of said county, and he shall do and perform all other acts which may be lawfully required of him by said board; and the officers shall receive such compensation for their services as shall be determined upon by said board, not to exceed the rate of three dollars per day each, while actually employed in per-

Duties of treasurer.

Duties of secretary.

Compensation of officers.

forming such service, and the members of said board shall receive each two dollars per day while attending meetings of the board, and no more.

Road through T.'s 23 and 24, R. 17.

SECTION 5. The said board of commissioners are authorized and empowered to build and construct a road, with all such ditches, sluiceways, embankments and bridges as they shall deem necessary to drain and protect the land, and afford facilities for travel, through towns twenty-three and twenty-four, in range seventeen east, in said county of Outagamie, upon the most feasible and direct route north and south, from the south line of town twenty-three aforesaid; and for said purposes said commissioners, by themselves, their agents or contractors, shall have full power and authority to enter upon any adjoining lands to make ditches, sluiceways and do other work necessary for the drainage of the lands in said towns: *provided, always*, that not more than five thousand acres of the drainage lands of said towns twenty-three and twenty-four, of range seventeen east, shall be appropriated to the purposes aforesaid, and the avails of the balance of said lands shall be expended under the direction of the supervisors of said towns, as required by chapter 537 of the general laws of 1865, in proportion to the quantity of drainage lands situate in each of said towns.

Powers of commissioners.

Limit to land appropriated therefor.

Road through T.'s 23 and 24, R. 18.

SECTION 6. By and under the direction of said Outagamie county swamp land commissioners, N. S. Conklin, P. M. Brooks and James Simpson are hereby in like manner authorized to build and construct a road, with all such ditches, sluiceways, embankments and bridges as they shall deem necessary to drain and protect the lands, and afford facilities for travel, through towns twenty-three and twenty-four, of range eighteen east, in said county of Outagamie, upon the most direct and feasible route, to be selected by them, running as near as may be in a northerly direction from the south line of town twenty-three aforesaid; and to aid in the construction thereof, "the Outagamie swamp land commissioners" shall set apart the avails of one thousand acres of land situate in said towns, and direct and regulate the expenditure thereof by said Conklin, Brooks and Simpson hereinbefore mentioned, for the objects stated in this section.

1000 acres appropriated therefor.

Engineer—plans and estimates of work.

SECTION 7. It shall be the duty of said Outagamie swamp land commissioners, before commencing the

work authorized in this act, to appoint a competent civil engineer, who shall make the necessary surveys of the routes for said roads, and of the contiguous streams and swamps, and submit to said board plans and specifications and estimates of the cost of all the work deemed necessary to be done to accomplish the object contemplated by the provisions of sections five and six of this act; and after such surveys, plans, specifications and estimates shall have been so made and submitted, the said board shall meet and determine upon the plans by which the various portions and kinds of such work shall be prosecuted and completed, and shall advertise for proposals for contracts for so much of said work as is deemed necessary in towns twenty-three and twenty-four, of range seventeen east, by giving at least thirty days' notice thereof, by publishing the same in each of the newspapers published in said county, of the time and place of the letting of contracts, and where such plans and specifications can be seen; and said board shall let such contracts to the lowest responsible bidders: *provided*, that no such contract shall be let unless the performance thereof shall be guaranteed by one or more responsible sureties, to be approved by said board; *and provided*, that no member of said board shall be or become interested either directly or indirectly in any such contracts. When the Outagamie swamp land commissioners shall have decided upon the plans for the work contemplated in section six of this act, the persons therein named shall in like manner advertise and let said work under like restrictions, in all respects, as hereinbefore provided for.

Advertising for proposals, and letting of contracts for the work.

Contractors to give security.

Commissioners not to be interested in contracts.

Sale and conveyance of lands.

SECTION 8. The said "Outagamie swamp land commissioners" may contract for the sale of any portion of said lands, at such price as they shall be reasonably worth, but not less than one dollar per acre, as shall become necessary to meet, from time to time, the payment of any sum which [may] become due on any contract for work, materials or services done, furnished and performed under such contract, and may contract for the conveyance by the state of the title of such lands to contractors, on the performance of their contracts made with said board; according to the terms and conditions thereof; and may direct the president and secretary of their board to issue, from time to time, orders on the treasurer for moneys, as the same shall become

Orders on treasurer.

due on any such contracts, payable out of any moneys in or which may come into the hands of the treasurer, and not otherwise appropriated: *provided*, that neither the said county nor the said swamp land commissioners shall be made liable to pay any such orders, or for any sum due or to become due on any such contract or contracts, out of any fund except the fund created under and in pursuance of the provisions of this act. Extent of liability of county.

SECTION 9. The said Outagamie swamp land commissioners shall be entitled to draw their orders upon and to have and receive from the treasurer of the said county all the moneys due and to become due on certificates of sales of lands in said county, by the commissioners of the school and university lands, under the provisions of said chapter 537 of the laws of 1865, and also to have and receive from the county treasurer of said county the moneys received by the state on the sales of said lands, as hereinafter provided, and such other and further sums of money as the supervisors of said county may authorize to be paid over to said commissioners; and such portions arising from lands situate in the towns mentioned in sections five and six of this act, as shall be necessary, shall be expended under the direction of said commissioners, as hereinbefore provided for, to carry into effect the purposes of this act, and no more, and for no other purpose whatever. Money for which orders may be drawn on county treasurer. How part of it to be expended.

SECTION 10. The said commissioners shall have authority to keep said work at all times in repair; to bring and maintain actions in courts of competent jurisdiction for the recovery of damages against parties or individuals for violations of any contract made with said commissioners, or pursuant to this act, or for trespass committed upon said lands, or any portion thereof; for keeping or placing any obstruction or obstructions in said roads, ditch, sluiceway, or for the removal of any embankment, road or other work, or in any way causing the overflow of or damage to said roads or lands, or any portion thereof, and to bring and maintain actions for the removal of any obstructions so placed on said roads, or in the ditches or sluiceways, in the same manner and with like effect as parties are now or may hereafter be authorized by law to do in like or similar cases. Prosecutions for violations of contracts, for trespasses, &c.

SECTION 11. The said commissioners may appoint one of their number, or some suitable person, whose duty it shall be to superintend and direct all the work Superintendent—his compensation.

done under contracts made with said board, and shall allow him such compensation for his services as the same shall be reasonably worth, not to exceed, however, the sum of three dollars per day while actually employed in such service.

Part of lands may be sold by state, and proceeds paid to county.

SECTION 12. Whenever the work hereinbefore authorized shall have been completed, the said commissioners shall cause the remainder of the lands belonging to the drainage fund of Outagamie county to be appraised at their actual money value; and certificates of such appraisal, signed by the president and countersigned by the secretary, and under the seal of said commissioners, shall be filed with the secretary of state; and the said lands shall then become subject to sale; and may be sold by the state at a price not below such appraised value by the said "Outagamie swamp land commissioners," and the proceeds of such sale or sales shall, from time to time as received, be paid over to said lands county in the manner hereinafter provided; but all which may have been contracted by the said commissioners to be sold as herein authorized, shall, on the order or orders of said commissioners, signed by their president and countersigned by their secretary, be conveyed by the state to the person or persons named in such order or orders as being entitled to receive the conveyance thereof; and it shall be the duty of the treasurer of Outagamie county to pay out said moneys on the orders of the said board.

How proceeds to be paid.

SECTION 13. All the moneys which shall be received by the state on sales of any of said lands, shall, on the order or orders of said Outagamie swamp land commissioners, signed, countersigned and sealed as aforesaid, be paid over to Outagamie county; and the said commissioners shall provide that the said county shall be first paid from any surplus moneys remaining unappropriated, the sums which shall have been advanced by it to said commissioners; and whenever the said commissioners shall have completed the valuation of the remaining lands as herein directed, they may apportion the same among the several towns in said county, according to the quantity of lands in each town, and certify the same to the secretary of state, and order the moneys received by the state on sales of the lands so apportioned, to be paid over to said county, to be dis-

posed of according to the provisions of chapter 537 of the general laws of 1865.

Duty of school land commissioners.

SECTION 14. It is hereby made the duty of the commissioners of school and university lands to reserve from present sale the lands described in the first section of this act, and hold and dispose of the same, and the proceeds thereof, in the manner and for the purpose in this act authorized and directed: *provided*, that if the supervisors of the said county of Outagamie, or a majority of them, shall not within six months after the publication of this act, accept the same by resolution of their board duly passed, and file within the office of the secretary of state a certificate of such acceptance, then all the lands mentioned in section one (1) of this act shall be restored to market, and the provisions of said chapter 537 of the general laws of 1865, shall be in full force in regard to the disposition of the same.

If this grant is not accepted, chapter 537, laws of 1865, to be in full force.

County board to accept or reject the conditions of this grant.

SECTION 15. It shall be the duty of the supervisors of Outagamie county to meet at such time and place as may be required by said commissioners, by notice of not less than three days, to be served on each of said supervisors; and when so met, the said supervisors, or a majority of them, shall determine by resolution to accept or reject, on behalf of said county, the conditions of this act; and if they shall resolve to accept the conditions of this act, then, and not before, the said commissioners shall organize their board, and prosecute the work of draining said lands according to the provisions of this act, and the said supervisors shall carry the same into effect by payment of the orders of said board: *provided*, that if the said supervisors shall fail to meet or act at the time first notified by said commissioners, they shall meet at such other time and place as notified by said commissioners; such notice to be given at least ten days before the time of holding such meeting.

When board of commissioners to organize, &c.

Vacancies.

Penalty.

SECTION 16. Any vacancy occurring among said commissioners from death, resignation or otherwise, shall be filled by the remaining commissioners; and if any commissioner shall willfully or knowingly violate any of the provisions of this act, or if any officer or agent of said board shall willfully or knowingly violate any of the orders, directions or rules of or duties imposed upon him by said commissioners under the provisions of this act, he shall on conviction thereof be

fined in the sum of not exceeding five hundred nor less than fifty dollars, or by imprisonment, or both, in the discretion of the court having jurisdiction, such fine when collected, to be paid into the fund created by this act; and any commissioner being so convicted, shall be removed from said board by resolution of a majority of the supervisors of said county.

Expenditure of avails of other drainage lands.

SECTION 17. The avails of all other drainage lands in said county, not specified in sections five and six of this act, shall be expended by and under the direction of the Outagamie swamp land commissioners, upon the conditions, restrictions and penalties imposed by this act, in the opening of roads, clearing out of streams, ditching swamps and reclaiming lands, as shall be specially selected by the supervisors of the town in which such improvement is proposed to be made.

SECTION 18. This act shall take effect from and after its passage.

Approved April 12, 1866.

CHAPTER 95.

[*Published April* 23, 1866.]

AN ACT to amend section 33 of chapter 13 of the revised statutes, entitled "of counties and county officers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Division of towns.

SECTION 1. Section thirty-three (33) of chapter thirteen (13) of the revised statutes, is hereby amended, by adding at the end thereof as follows: "and no town shall be divided leaving a less number than thirty-six sections, unless the valuation of the same amounts to thirty thousand dollars ($30,00 ( ) c) more, andit hs twenty-five (25) qualified voters therein."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1866.

CHAPTER 96.

[*Published April* 28, 1866.]

AN ACT to prescribe certain duties of county officers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Duplicate receipts for moneys paid to county treasurer and clerks of boards.

SECTION 1. It shall be the duty of the treasurer of each county, immediately upon the receipt of any money by him as such treasurer, to make out and deliver to the clerk of the board of supervisors a duplicate receipt for such money, and it shall be the duty of the said clerk to make out and deliver to the treasurer duplicate receipts of all moneys received by him, which duplicate receipts shall be filed by said officers in their respective offices; and no fees shall be allowed them for such services in addition to their prescribed salary.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1865.

CHAPTER 97.

[*Published April* 28, 1866.]

AN ACT relating to weights and measures, and amendatory of section 11 of chapter 58 of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Weight of cranberries.

SECTION 1. Section 11 of chapter 58 of the revised statutes, is hereby amended, by adding to said section, and at the end thereof, the following: "and thirty-five pounds for a bushel of cranberries."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 12, 1866.

CHAPTER 98.

[*Published April* 23, 1866.]

AN ACT to provide for levying and collecting a state tax for the year 1866, of $100,000.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

$100,000 to be raised.

SECTION 1. There shall be levied and collected for the year 1866, a state tax of one hundred thousand dollars, for the estimated expenses of 1867, to be apportioned among and assessed upon the several counties of this state, as provided by law; and such tax shall be levied upon the taxable property of the state, real and personal, and collected and paid into the treasury, as provided by law.

Apportionment.

SECTION 2. The secretary of state shall apportion said tax among the several counties of the state, as provided by law, on or before the second Monday of October next, and certify the same to the clerk of the board of supervisors of each of the several counties, as provided by law.

Levy and collection of county indebtedness to state.

SECTION 3. The secretary of state, in addition to the certificates required by law of the amount to be levied and collected by every county for state purposes the current year, shall also specially certify to each county now indebted to the state, the amount of such indebtedness, with a view of having the same collected and paid into the state treasury with the taxes of 1866. The indebtedness specified in the certificate, shall be such as may be determined by the said secretary of state, after all just credits are allowed to each of such counties.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1866.

CHAPTER 99.

[*Published April* 23, 1866.]

AN ACT amendatory of sections one and four of chapter 149 of the revised statutes, entitled "of proceedings [as] for contempts to enforce civil remedies, and to protect the rights of parties to civil actions."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sec. 1 amended.

SECTION 1. Section 1 of chapter 149 of the revised statutes, is hereby amended, by adding to subdivision 3 of said section the following: "and the powers of such court to punish as in this chapter provided, for non-payment of money, may be exercised by the judge or judges thereof in vacation."

Sec 4 amended.

SECTION 2. Section 4 of said chapter is hereby amended, by inserting immediately after the word "court," in the 4th line of said section, the words "or judge or judges thereof in vacation."

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1866.

CHAPTER 100.

[*Published April* 24, 1866.]

AN ACT to enable insurance companies incorporated by the laws of this state, to do business in other states.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

State treasurer to receive bonds of home insurance companies, doing business in other states, for the security of policy-holders.

SECTION 1. It shall be the duty of the state treasurer to receive and hold in trust for the policy-holders of any insurance company incorporated by the laws of this state, such bonds, stocks or other securities as may be offered by such company; and upon application of said company, to give such a certificate from year to year of such a deposit, as may be required by the laws of other states, in order to the transaction of

the business of insurance therein. Nothing herein contained shall be so construed as to prevent such companies from collecting or receiving the interest accruing upon such securities, or from withdrawing such deposit, or from changing such securities from time to time as may be desired by said company so depositing.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 12, 1866.

CHAPTER 101.

[*Published April* 21, 1866.]

AN ACT to apportion the state into senate and assembly districts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Apportionment of senate districts

SECTION 1. Until there shall be a new apportionment, the senators shall be apportioned among the several districts of this state as hereinafter mentioned, and each district shall be entitled to elect one senator.

The county of Sheboygan shall constitute the first senate district.

The counties of Brown, Kewaunee and Door shall constitute the second senate district.

The county of Ozaukee shall constitute the third senate district.

The county of Washington shall constitute the fourth senate district.

The first, second, sixth, seventh and ninth wards of the city of Milwaukee, and the towns of Wauwatosa, Milwaukee and Granville, in the county of Milwaukee, shall constitute the fifth senate district.

The third, fourth, fifth and eighth wards of the city of Milwaukee, and the towns of Lake, Oak Creek, Franklin and Greenfield, in the county of Milwaukee, shall constitute the sixth senate district.

The county of Racine shall constitute the seventh senate district.

The county of Kenosha shall constitute the eighth senate district.

The counties of Juneau, Monroe and Adams shall constitute the ninth senate district.

The county of Waukesha shall constitute the tenth senate district.

The towns of Albion, Dunkirk, Rutland, Dunn, Pleasant Springs, Christiana, Cottage Grove, Blooming Grove, Deerfield, Medina, York, Bristol, Sun Prairie, Burke, Windsor, Vienna and Westport, in the county of Dane, shall constitute the eleventh senate district.

The county of Walworth shall constitute the twelfth senate district.

The county of La Fayette shall constitute the thirteenth senate district.

The county of Sauk shall constitute the fourteenth senate district.

The county of Iowa shall constitute the fifteenth senate district.

The county of Grant shall constitute the sixteenth senate district.

The county of Rock shall constitute the seventeenth senate district.

The towns of Fox Lake, Chester, Westford, Beaver Dam, Burnett, Calamus, Oak Grove, Elba, Lowell, Portland, Shields, Trenton, the city of Beaver Dam, and the south ward of the village of Waupun, in the county of Dodge, shall constitute the eighteenth senate district.

The county of Manitowoc shall constitute the nineteenth senate district.

The county of Fond du Lac shall constitute the twentieth senate district.

The county of Winnebago shall constitute the twenty-first senate district.

The counties of Outagamie, Calumet, Oconto and Shawano shall constitute the twenty-second senate district.

The county of Jefferson shall constitute the twenty-third senate district.

The county of Green shall constitute the twenty-fourth senate district.

The county of Columbia shall constitute the twenty-fifth senate district.

The towns of Dane, Roxbury, Mazomanie, Black Earth, Berry, Springfield, Middleton, Cross Plains, Vermont, Blue Mounds, Springdale, Verona, Fitchburg, Oregon, Montrose, Primrose, Perry, Madison, and the

city of Madison, in the county of Dane, shall constitute the twenty-sixth senate district.

The counties of Portage, Waupaca, Wood and Marathon shall constitute the twenty-seventh senate district.

The counties of Douglas, La Pointe [Bayfield,] Ashland, Polk, Dallas, Burnett, St. Croix and Pierce shall constitute the twenty-eighth senate district.

The counties of Waushara, Marquette and Green Lake shall constitute the twenty-ninth senate district.

The counties of Richland and Crawford shall constitute the thirtieth senate district.

The counties of La Crosse and Vernon shall constitute the thirty-first senate district.

The counties of Dunn, Chippewa, Pepin, Eau Claire, Buffalo, Jackson, Clark and Trempealeau shall constitute the thirty-second senate district.

The towns of Le Roy, Lomira, Williamstown, Theresa, Clyman, Hubbard, Herman, Hustisford, Emmet, Rubicon, Lebanon and Ashippun, the fifth and sixth wards in the city of Watertown, and the village of Horicon, in the county of Dodge, shall constitute the thirty-third senate district.

Apportionment of assembly districts.

SECTION 2. Until there shall be a new apportionment, the members of assembly shall be apportioned among the several districts of the state as hereinafter mentioned, and each district shall be entitled to elect one member of assembly.

The counties of Kewaunee and Door shall constitute an assembly district.

The county of Ozaukee shall constitute an assembly district.

The county of Kenosha shall constitute an assembly district.

The county of Waushara shall constitute an assembly district.

The county of Marquette shall constitute an assembly district.

The county of Green Lake shall constitute an assembly district.

The county of Outagamie shall constitute an assembly district.

The county of Calumet shall constitute an assembly district.

The counties of Oconto and Shawano shall constitute an assembly district.

The county of Portage shall constitute an assembly district.

The county of Waupaca shall constitute an assembly district.

The counties of Marathon and Wood shall constitute an assembly district.

The counties of Douglas, La Pointe, Ashland, Polk, Dallas and Burnett shall constitute an assembly district.

The county of St. Croix shall constitute an assembly district.

The county of Pierce shall constitute an assembly district.

The counties of Dunn and Chippewa shall constitute an assembly district.

The county of Adams shall constitute an assembly district.

The county of Juneau shall constitute an assembly district.

The county of Monroe shall constitute an assembly district.

The county of Richland shall constitute an assembly district.

The county of Crawford shall constitute an assembly district.

The counties of Pepin and Eau Claire shall constitute an assembly district.

The county of Buffalo shall constitute an assembly district.

The counties of Jackson and Clark shall constitute an assembly district.

The county of Trempealeau shall constitute an assembly district.

Sheboygan county.—1. The towns of Sheboygan, Wilson, Moselle, Herman, and the city of Sheboygan, in the county of Sheboygan, shall constitute an assembly district. 2. The towns of Mitchell, Linden, Plymouth, Rhine, Greenbush and Brussell, in the county of Sheboygan, shall constitute an assembly district. 3. The towns of Sheboygan Falls, Lima, Abbott, Holland, Scott, and the village of Sheboygan Falls, in the county of Sheboygan, shall constitute an assembly district.

Brown county.—1. The towns of Green Bay, Scott, Preble, Humboldt, Eaton, New Denmark, Glenmore, Morrison, and the city of Green Bay, in the county of

Brown, shall constitute an assembly district. 2. The towns of Pittsfield, Suamico, Howard, Fort Howard, Lawrence, Wrightstown, Holland, Rockland, Depere, Bellevue, and the village of Depere, in the county of Brown, shall constitute an assembly district.

Dodge county.—1. The towns of Fox Lake, Trenton, Elba, Westford, Calamus and Portland, in the county of Dodge, shall constitute an assembly district. 2. The towns of Chester, Burnett, Oak Grove, Beaver Dam, Lowell, Shields, the south ward of the village of Waupun, and the city of Beaver Dam, in the county of Dodge, shall constitute an assembly district. 3. The towns of Le Roy, Lomira, Theresa, Williamstown, Hubbard and Herman, in the county of Dodge, shall constitute an assembly district. 4. The towns of Clyman, Hustisford, Rubicon, Emmet, Lebanon, Ashippun, and the fifth and sixth wards of the city of Watertown, in the county of Dodge, shall constitute an assembly district.

Washington county.—1. The towns of Wayne, Addison, Kewaskum, Barton, West Bend, Farmington and Trenton, in the county of Washington, shall constitute an assembly district. 2. The towns of Hartford, Polk, Jackson, Erin, Richfield and Germantown, in the county of Washington, shall constitute an assembly district.

Milwaukee county.—1. The first ward of the city of Milwaukee, shall constitute an assembly district. 2. The second ward of the city of Milwaukee, shall constitute an assembly district. 3. The third ward of the city of Milwaukee, shall constitute an assembly district. 4. The fourth ward of the city of Milwaukee, shall constitute an assembly district. 5. The fifth and eighth wards of the city of Milwaukee, shall constitute an assembly district. 6. The sixth ward of the city of Milwaukee, shall constitute an assembly district. 7. The seventh ward of the city of Milwaukee, shall constitute an assembly district. 8. The ninth ward of the city of Milwaukee, shall constitute an assembly district. 9. The towns of Lake, Oak Creek, Franklin and Greenfield, in the county of Milwaukee, shall constitute an assembly district. 10. The towns of Wauwatosa, Milwaukee and Granville, in the county of Milwaukee, shall constitute an assembly district.

Racine county.—1. The city of Racine shall constitute an assembly district. 2. The towns of Caledonia,

Mount Pleasant, Yorkville, Burlington, Dover, Rochester, Waterford, Norway and Raymond, in the county of Racine, shall constitute an assembly district.

Waukesha county.—1. The towns of Waukesha, Genesee, Eagle, Mukwonago and Vernon, in the county of Waukesha, shall constitute an assembly district. 2. The towns of Merton, Oconomowoc, Pewaukee, Delafield, Summit and Ottowa, in the county of Waukesha, shall constitute an assembly district. 3. The towns of Lisbon, Menomonee, Brookfield, New Berlin and Muskego, in the county of Waukesha, shall constitute an assembly district.

Dane county.—1. The towns of Albion, Dunkirk, Rutland, Dunn, Pleasant Spring, Christiana, Cottage Grove and Blooming Grove, in the county of Dane, shall constitute an assembly district. 2. The towns of Deerfield, Medina, York, Bristol, Sun Prairie, Burke, Windsor, Vienna and Westport, in the county of Dane, shall constitute an assembly district. 3. The towns of Dane, Roxbury, Mazomanie, Black Earth, Berry, Springfield, Middleton, Cross Plains and Vermont, in the county of Dane, shall constitute an assembly district. 4. The towns of Blue Mounds, Springdale, Verona, Fitchburg, Oregon, Montrose, Primsose and Perry, in the county of Dane, shall constitute an assembly district. 5. The city of Madison and the town of Madison, in the county of Dane, shall constitute an assembly district.

Walworth county.—1. The towns of Sharon, Darien, Richmond, Walworth and Delavan, in the county of Walworth, shall constitute an assembly district. 2. The towns of Linn, Geneva, Elkhorn, La Fayette, Bloomfield, Lyons and Spring Prairie, in the county of Walworth, shall constitute an assembly district. 3. The towns of Whitewater, La Grange, Sugar Creek, Troy and East Troy, in the county of Walworth, shall constitute an assembly district.

La Fayette county.—1. The towns of White Oak Springs, Shullsburg, New Diggings, Benton, Elk Grove, Belmont and Kendall, in the county of La Fayette, shall constitute an assembly district. 2. The towns of Wayne, Gratiot, Monticello, Center, Wiota, Argyle, Fayette and Willow Springs shall constitute an assembly district.

Sauk county.—1. The towns of Westfield, Washington, Bear Creek, Franklin, Honey Creek, Sumter, Merrimac, Prairie du Sac, Troy and Spring Green, in the

county of Sauk, shall constitute an assembly district. 2. The towns of New Buffalo, Delona, Winfield, La Salle, Woodland, Ironton, Reedsburg, Excelsior, Baraboo, Fairfield, Greenfield and Freedom, in the county of Sauk, shall constitute an assembly district.

Iowa county.—1. The towns of Highland, Dodgeville, Clyde, Ridgeway, Arena, Wyoming and Pulaski, in the county of Iowa, shall constitute an assembly district. 2. The towns of Mineral Point, Mifflin, Linden, Moscow and Warwick, and the city of Mineral Point, in the county of Iowa, shall constitute an assembly district.

Grant county.—1. The towns of Hazel Green, Smelzer and Platteville, in the county of Grant, shall constitute an assembly district. 2. The towns of Jamestown, Paris, Harrison, Potosi and Waterloo, in the county of Grant, shall constitute an assembly district. 3. The towns of Lancaster, Ellenboro, Lima, Clifton, Liberty and Wingville, in the county of Grant, shall constitute an assembly district. 4. The towns of Blue River, Muscoda, Watertown, Hickory Grove, Boscobel, Marion, Fennimore, Millville, Woodman and Mount Hope, in the county of Grant, shall constitute an assembly district. 5. The towns of Cassville, Beetown, Glen Haven, Tafton, Little Grant, Wyalusing and Patch Grove, in the county of Grant, shall constitute an assembly district.

Rock county.—1. The towns of Union, Magnolia, Center, Spring Valley, Plymouth and Avon, in the county of Rock, shall constitute an assembly district. 2. The towns of Porter, Fulton, Milton, Lima and Janesville, in the county of Rock, shall constitute an assembly district. 3. The towns of Harmony, Johnstown, La Prairie, Bradford, Clinton and Rock, in the county of Rock, shall constitute an assembly district. 4. The towns of Beloit, Newark and Turtle, and the city of Beloit, in the county of Rock, shall constitute an assembly district. 5. The city of Janesville, in the county of Rock, shall constitute an assembly district.

Manitowoc county.—1. The towns of Centerville, Meme, Schleswig, Eaton, Liberty, Newton and Rockland, in the county of Manitowoc, shall constitute an assembly district. 2. The towns of Manitowoc Rapids, Maple Grove, Cato, Franklin, Kossuth and Cooperstown, in the county of Manitowoc, shall constitute an assembly district. 3. The towns of Manitowoc, Two Rivers, Two Creeks, Michecott and Gibson, and the

village of Manitowoc, in the county of Manitowoc, shall constitute an assembly district.

Fond du Lac county.—1. The towns of Ripon, Rosendale, Eldorado and Friendship, and the city of Ripon, in the county of Fond du Lac, shall constitute an assembly district. 2. The towns of Metomen, Alto, Waupun, Springvale and Oakfield, and the north ward of the village of Waupun, in the county of Fond du Lac, shall constitute an assembly district. 3. The first, second and third wards of the city of Fond du Lac, in the county of Fond du Lac, shall constitute an assembly district. 4. The towns of Fond du Lac and Lamartine, and the fourth and fifth wards of the city of Fond du Lac, in the county of Fond du Lac, shall constitute an assembly district. 5. The towns of Ashford, Auburn, Byron, Eden and Osceola, in the county of Fond du Lac, shall constitute an assembly district. 6. The towns of Calumet, Marshfield, Taycheedah, Empire and Forest, in the county of Fond du Lac, shall constitute an assembly district.

Winnebago county.—1. The towns of Oshkosh, Algoma and Vinland, and the city of Oshkosh, in the county of Winnebago, shall constitute an assembly district. 2. The towns of Neenah, Menasha, Clayton, Winneconne, Winchester and Wolf River, in the county of Winnebago, shall constitute an assembly district. 3. The towns of Poygan, Rushford, Omro, Nepuskin, Utica, Nekimi and Black Wolf, in the county of Winnebago, shall constitute an assembly district.

Jefferson county.—1. The towns of Ixonia and Watertown, and the first, second, third, fourth and seventh wards of the city of Watertown, in the county of Jefferson, shall constitute an assembly district. 2. The towns of Milford, Waterloo, Lake Mills, Oakland and Aztalan, in the county of Jefferson, shall constitute an assembly district. 3. The towns of Hebron, Jefferson, Sumner, Koskonong and Cold Spring, in the county of Jefferson, shall constitute an assembly district. 4. The towns of Farmington, Concord, Sullivan and Palmyra, in the county of Jefferson, shall constitute an assembly district.

Green county.—1. The towns of Mount Pleasant, Washington, Adams, York, New Glarus, Exeter, Brooklyn and Albany, in the county of Green, shall constitute an assembly district. 2. The towns of Spring Grove,

Jefferson, Sylvester, Monroe, Clarno, Cadiz, Jordan and Decatur, in the county of Green, shall constitute an assembly district.

Columbia county.—1. The towns of Newport, Lewiston, Lodi, Caledonia, Pacific, Dekorra, West Point, and the city of Portage, in the county of Columbia, shall constitute an assembly district. 2. The towns of Fountain Prairie, Otsego, Lowville, Arlington, Leeds, Hampden and Columbus, in the county of Columbia, shall constitute an assembly district. 3. The towns of Randolph, Scott, Marcellon, Fort Winnebago, Wyocena, Springvale and Courtland, in the county of Columbia, shall constitute an assembly district.

Vernon county.—1. The towns of Hamburg, Bergen, Wheatland, Sterling, Franklin, Genoa, Harmony, Jefferson and Coon, in the county of Vernon, shall constitute an assembly district. 2. The towns of Hillsborough, Greenwood, Forest, Union, Whitestown, Stark, Clinton, Webster, Liberty, Kickapoo, Viroqua and Christiana, in the county of Vernon, shall constitute an assembly district.

La Crosse county.—1. The towns of Greenfield, Washington, Barre and Bangor, and the city of La Cross, in the county of La Crosse, shall constitute an assembly district. 2. The towns of Campbell, Onalaska, Holland, Jackson, Farmington, Burns and Neshonoc, in the county of La Crosse, shall constitute an assembly district.

Incorporated villages.

SECTION 3. So much of any incorporated village or other municipal corporation as lies within the original boundaries of any town mentioned in this act, shall be construed to be within such town, for the purposes of this act, unless otherwise designated by this act.

Senators to be elected in 1866.

SECTION 4. At the general election in November, one thousand eight hundred and sixty-six, there shall be elected in the odd-numbered senatorial districts above described, a senator from each district, whose term of office shall expire in two years after the commencement of such term.

SECTION 5. This act shall be published immediately after its passage, and take effect from and after its publication.

Approved April 12, 1866.

CHAPTER 102.

[*Published April* 23, 1866.]

AN ACT to amend section 20 of chapter 71 of the revised statutes, entitled "of the incorporation of banking associations."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 20 of chapter 71 of the revised statutes, entitled "of the incorporation of banking associations," is hereby so amended, as to read as follows: "Section 20. No tax shall hereafter be assessed upon the capital of any bank or banking association organized under the authority of this state; but the stockholders in such banks and banking associations shall be assessed and taxed on the value of their shares of stock therein, at the place where the bank or banking association is located, and not elsewhere. There shall be kept at all times in the office where the business of such bank or banking association organized under the authority of this state, shall be transacted, a full and correct list of the names and residences of all shareholders therein, and of the number of shares held by each; and such list shall be subject to the inspection of the officers authorized to assess taxes, during the business hours of each day in which business may be legally transacted." Shares of bank stock taxable. List of stockholders to be kept, &c.

SECTION 2. The provisions of this act shall apply to all banking associations in the state organized under any act of congress. Applicable to national banks.

SECTION 3. When the owner in either a national or state bank, or banking association, shall not reside in the same place where the bank or banking association is located, the collector and county treasurer shall respectively have the same powers as to collecting the tax, as those given to them by statute when the person assessed has removed from the town or from the county in which the assessment is made; and the county treasurer, receiver of taxes, or other authorized to receive said tax from the collector, may also have an action to collect the tax from the stockholders, or from the assets of his shares of stock; and the tax on said stock shall be and remain a lien thereon till the payment of said tax. In case stockholder does not reside where bank is located.

This act to be voted upon.

SECTION 4. This act shall be submitted to a vote of the electors of this state, at the general election to be held on the Tuesday next succeeding the first Monday in November, 1866, and if approved by a majority of the votes given on [the] subject, the same shall take effect and be in force from and after the date of such approval.

Form of ballots and return of votes.

SECTION 5. The form of ballot for the approval of this act shall be "for amendment;" against the approval, "against amendment," which shall be on the ballot used at said election, and deposited in the same box; and the votes given for and against amendment, shall be counted and returned by the inspectors of election, and be canvassed by the state board of canvassers in [the] same manner and within the same time that the votes for state officers are required to be counted, returned and canvassed.

Result to be published.

SECTION 6. It shall be the duty of the secretary of state, immediately after the canvass shall have been completed, to cause the result thereof to be published in the official state paper.

Conditional repeal.

SECTION 7. If this act shall be approved as hereinbefore provided, all acts and parts of acts so far as the same contravene the provisions of this act, are from that date repealed.

Approved April 12, 1866.

CHAPTER 103.

[*Published April 23*, 1866.]

AN ACT (*entitled an act*) to amend chap. 276 of the general laws of 1861, entitled "an act to amend chap. 22 of the gen. laws of 1859, entitled 'an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

To be published in a paper that has been published one year, having the largest circulation.

SECTION 1. After the word "one," where it occurs in the 9th line of section one of said chapter, insert the words, "having the largest *bona fide* circulation therein," and in lieu of the words "six months,"

where they occur in the eleventh line of said section, insert the words "one year."

SECTION 2. Chapter 22 of the laws of 1859, entitled "an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof," approved February 19, 1859, is hereby amended, as follows: After section 55 of said chapter, insert: "*provided*, the notice mentioned in section 16 and section 55 of said chapter, shall be published in the newspaper printed and published in said county, if there be one, having the largest *bona fide* circulation therein, which shall have been established therein, and published with ordinary regularity as a weekly newspaper, for one year prior to the date of such notice; *and provided, further*, it shall be unlawful for any town or county officer, or board of supervisors, to make any contract, bargain or agreement with the printer, or any other person, by which the said fees, or any part thereof, may or shall directly or indirectly inure to the use or benefit of such town or county officer; and if such town or county officer shall directly or indirectly receive the same, or any part thereof, the person or persons so offending against the provisions of this act, shall be severally liable on their official bonds to the printer publishing said notice, in the penal sum of one thousand dollars, to be recovered in an action to be instituted at any time within two years from the taking or receiving thereof."

Ibid.

County officers not to share any portion of printer's fees.

SECTION 3. The provisions of this act shall extend to and be in force only in the counties of La Fayette and Marathon.

Applicable only to La Fayette and Marathon counties.

Approved April 12, 1866.

CHAPTER 104.

[*Published April* 23, 1866.]

AN ACT in relation to the state reform school at Waukesha, and to authorize and empower the board of managers thereof to do and perform certain acts therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Board authorized to purchase land for the use of the reform school.

SECTION 1. The board of managers of the state reform school, at Waukesha, are hereby authorized and empowered, if in their judgment the interests of the state and the institution under their charge would be best subserved thereby, to purchase of John Hodgson, Esq., of Pewaukee, Waukesha county, for the state, all that part of the southeast quarter of section twenty-six, in the town of Pewaukee, which lies east of the east line of the Milwaukee and Mississippi railroad, and south of the public highway, containing one hundred acres; also, the south half of the northwest quarter of said section twenty-six, and all that part of the northwest quarter of the southeast quarter of said section that lies west of said railroad, and north of the road running to Pewaukee, containing in all two hundred and one acres of land, at a price not exceeding forty-five dollars per acre; *and provided*, they can secure for the state a good and perfect title, and without expense to the state, the spring of water, and all that flows from it, situated south of the west one hundred and one acres of the land herein described, and being the same spring referred to by Mr. Hodgson in his proposition to the committee on charitable and religious institutions, dated the 6th of February last, and by him shown to two members of that committee. In case the said managers do not deem best to purchase the lands hereinbefore mentioned, they are hereby authorized to purchase for the state such other suitable land as they may select in the county of Waukesha, for the use of the state reform school, at a price not to exceed in amount the sum of seventy-five dollars per acre, and not to exceed in the whole amount the sum of seven thousand five hundred dollars, heretofore appropriated, and such further sum as may be received from the sale of the present site,

should the managers dispose of the same, as herein provided.

May erect buildings thereon, not to exceed $40,000

SECTION 2. The board of managers aforesaid, or any of their number authorized by them, are hereby authorized and empowered to erect, or cause to be erected, on lands now owned by the state, or by them purchased for the state, or which may be donated to it for such purpose, one or more buildings suitable to the wants of the state reform school, and in accordance with the improvements made in reformatories of the nature of this institution; and they shall cause specifications to be made of the plan of such buildings, and may advertise for proposals to erect the same, in whole or in part, as they may deem best for the interests of the state: *provided*, that the whole cost, when fully completed, shall not exceed forty thousand dollars: *provided*, that the said board of managers shall not have power or authority to contract for the purchase of lands or the erection of buildings, as by this act provided, until they shall have advertised in some newspaper, published in the county of Waukesha, for a period of four weeks, that they will receive proposals for the sale or donation of lands, or offers in money, for the use or benefit of said state reform school, for its location in either of the towns in the county of Waukesha; and said board of managers are empowered and directed to accept such proposals as they shall deem most advantageous to the state, for the purpose herein intended, and to locate the site of said school, and erect the buildings thereon; but if said managers shall not receive any offer of money or land which they deem advantageous to the state, and for the benefit of said school, they may elect to erect such buildings on lands now owned by the state, or which may be purchased, as hereinbefore provided.

To advertise for proposals for sale or donation of land, &c.

May sell lands and buildings now owned.

SECTION 3. The board of managers aforesaid, or any one of their number authorized by his associates, is hereby authorized and empowered to sell the state reform school farm in the village of Waukesha, for cash, with all the buildings and improvements thereon, to the highest and best bidder, or at private sale, if they shall deem it best for the interests of the state; and they are hereby authorized in their discretion, to sell the farm aforesaid without the buildings thereon situated, or any one or more of them, and with or without such of the

material as is uninjured, and connected with the old state reform school building, and give possession to the purchaser, whenever the best interests of the state require; and the state treasurer is hereby authorized and directed to pay to the managers of the state reform school any and all moneys which have or may come into his hands from any policy of insurance on the building and furniture heretofore destroyed by fire, which money is to be used in the erection of the buildings herein provided; and a sufficient sum of money to make such payment is hereby appropriated, to be paid out of any money in the treasury not otherwise appropriated.

Insurance money on building burned.

Repeal.

SECTION 4. All acts and parts of acts inconsistent with this act, are hereby repealed.

SECTION 5. This act shall take effect immediately, and be in force from and after its passage.

Approved April 12, 1866.

CHAPTER 105.

[*Published April 25*, 1866.]

AN ACT to regulate the reception of patients into the Wisconsin state hospital for the insane.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Inmates liable for their expenses.

SECTION 1. All insane persons who are residents of this state, who may be admitted into this hospital for treatment, shall be personally liable for their maintenance therein, and for all necessary expenses incurred by the institution in their behalf; and the relatives who would have been bound by law to provide for and support them, if they had not been sent to the hospital, shall be liable to pay their expenses therein, and also for their conveyance to and from the hospital: *provided*, that any person may be admitted to said hospital free of expense as the [to] treatment and board, if accompanied by a certificate of to [the] county judge of the county in which said patient may reside, certifying the inability of said patient's estate, or of the estate of those legally liable for such support, (*is insufficient*) for

Proviso

his support therein; and the county judge of each county is hereby authorized to take such testimony as may be necessary to enable him to form an opinion as to such ability or disability, the expense of said investigation to be charged to the proper county, and paid in the same manner as witnesses' certificates are now paid. The provisions of this act shall also apply to the institutions for the education of the deaf and dumb, and blind.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 12, 1866.

CHAPTER 106.

[*Published April* 24, 1866.]

AN ACT to amend chapter 236 of the session laws 1861, entitled "an act for the government and management of the state reform school, and to repeal chapter 189 of the revised statutes, entitled 'of the house of refuge,'" and the acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Vagrant children between certain ages to be confined in state reform school.

SECTION 1. The state reform school, at Waukesha, shall be the place of confinement and instruction of all male children between the ages of eight and sixteen years, and of all female children between the ages of seven and ten years, who shall be legally committed to the said state reform school as vagrants, or on conviction for any criminal offense, or for incorrigible or vicious conduct, by any court having competent authority to make said commitment.

Discharge of children there from.

SECTION 2. The managers of the state reform school are hereby clothed with the sole authority to discharge any child or children from said reform school, who have heretofore been or may hereafter be legally committed thereto; and such power shall rest solely with said board of managers, and with no other person or persons; but it shall be the duty of said board of managers, and they shall have power, to return any child to the court, justice or other authorities ordering or directing said child to be committed, when in the judgment of said

managers they may deem said child an improper subject for their care and management, or who shall be found incorrigible, or whose continuance in the school they may deem prejudicial to the management and discipline thereof, or who in their judgment ought to be removed from such school for any cause; and in such case said court, police justice or other authority shall have power and are hereby required to proceed as they might have done, had they not ordered the commitment to such school.

Repeal.

SECTION 3. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 12, 1866.

CHAPTER 107.

[*Published April* 25, 1866.]

AN ACT to amend section 1 of chapter 32 of the general laws of 1865, entitled "an act to provide for the payment of mileage to the regents of the university of Wisconsin."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Regents to be paid actual expenses in attending meetings of the board.

SECTION 1. Section one of chapter thirty-two of the general laws of 1865, entitled "an act to provide for the payment of mileage to the regents of the university of Wisconsin," is hereby amended, so as to read as follows: "Section 1. The regents of the university of Wisconsin, shall each receive the actual amount of his expenses in traveling to and attendance upon all meetings of the board, or incurred in the performance of any duty in pursuance of any direction of the board. Accounts for such expenses, duly authenticated, shall be audited by the board, and shall be paid on the order of said board, with the warrant thereon of the secretary of state; and no regent shall receive any pay, mileage or per diem, except as above prescribed."

Approved April 12, 1866.

CHAPTER 108.

[*Published April* 28, 1866.]

AN ACT to authorize town and school district boards to audit the amount of subscription for "Moser's town and school officers' manual."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority.

SECTION 1. The town board of any town and the district board of any school district in this state, may audit to the several officers of their town or school district, respectively, the amount of subscription paid for "Moser's Wisconsin town and school officers' manual."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1866.

CHAPTER 109.

[*Published April* 24, 1866.]

AN ACT to amend section 9 of chap. 261 of the general laws of 1864, entitled "an act to provide for realizing the amount of unpaid mortgages due to the state."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

If land shall be bid in for a sum less than that due, suit may be instituted for balance.

SECTION 1. Section nine of chapter two hundred and sixty-one of the general laws of 1864, is hereby amended, so as to read as follows: "Section four of chapter one hundred and thirty of the general laws of 1858, is hereby amended, so as to read as follows: 'When any land or other property mortgaged to the state, shall have been sold upon foreclosure of such mortgage, or shall have been bid in for the state, at a sale made by the commissioners, for a sum insufficient to pay the principal and interest so secured, with the proper costs and disbursements, the commissioners are hereby required to take proper steps to collect the remainder due from the person who may be personally responsible for the payment of the same; and for that

purpose to cause an action to be instituted when there appears probable ground for supposing that judgment may be recovered and collected for such deficiency. Such action shall be brought by the attorney general, commenced, carried on and tried in pursuance of and according to the provisions of sec. 4 of chap. 128 of the R. S. The commissioners shall certify the expenses of such actions to the secretary of state, who shall draw his warrant for their payment upon the general fund and all costs collected in such cases, shall be paid to the state treasurer, who shall credit them to the general fund; *and provided, further*, that the commissioners may, in their discretion, at any time receive in full settlement the principal and interest owing to the state, and all costs and disbursements, deducting therefrom the net amount for which the commissioners may have sold the mortgaged lands.'"

Expenses of actions &c.

Repeal.

SECTION 2. This act shall take effect and be in force from and after its passage and publication; and all acts or parts of acts conflicting with the provisions of this act, are hereby repealed.

Approved April 12, 1866.

CHAPTER 110.

[*Published April* 24, 1866.]

AN ACT relating to the license and keeping of dogs, and to repeal chapter 415 of the general laws of 1865, and chapter 404 of the general laws of 1862, relating to the license and keeping of dogs.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Assessor to make list of persons owning dogs, and return to town, city or village clerk.

SECTION 1. It shall be the duty of the assessor of each town, city or incorporated village, on or before the first Monday in July, or at the time he is required by law to make the assessment of such town, city or incorporated village, to annually make out and return to the office of the clerk of such town, city or village, a list of the names of each and every person owning or keeping any dog or dogs in the town, city or incorporated village

of which he is assessor, together with the number and sex of such dogs owned or kept by such persons, set opposite their respective names, which list shall be separate from his assessment roll, and shall be headed "list of persons owning or keeping dogs liable to be licensed." And said assessors of the several towns, cities or incorporated villages in the counties of Rock, Portage, Ashland, Burnett, Douglas, La Pointe [Bayfield,] Dallas, Polk, Green Lake and Juneau, shall also, at the same time that they return their assessment for their respective towns, cities and villages to the clerks of the boards of county supervisors, return to the county treasurers of said counties a duplicate copy of the list of persons owning, harboring or keeping dogs liable to be licensed.

To make and return to treasurers of certain counties, duplicate lists.

SECTION 2. It shall be the duty of the clerk of each town, city or incorporated village to make out a fair copy of such list as returned by the assessor, and to place a sum equal to two dollars for every male dog, and three dollars for every female dog, in a separate column prepared for that purpose, opposite the respective names of the persons owning, harboring or keeping such dogs, and shall deliver the same to the treasurer of his town, city or incorporated village on or before the second Monday of December, in each year.

List to be made out by town, city and village clerks—tax on dogs.

SECTION 3. It shall be the duty of the treasurer of each town, city or incorporated village, on the receipt of such list, and at the time he is authorized by law to collect the county tax, to personally demand of each person the sum set opposite such person's name in such list; and when such sum is received by the treasurer, he shall give his receipt for the same, signed officially, and stating that such money is received as license money for a dog or dogs, stating the number and sex, owned or kept by such person, and charged to such person on the license list.

Treasurer to collect tax.

SECTION 4. The treasurer shall keep an accurate and separate account of all sums received and paid out under the various provisions of this act, which account shall always be open to the inspection of any voter of the place; and he shall retain for his services five per centum of the whole amount of such license money received by him.

Account to be kept—fee for collecting.

SECTION 5. In case any person shall refuse or neglect for the space of five days after being demanded, to

Collection of license.

pay the license imposed on him by reason of owning, harboring or keeping any dog or dogs, the treasurer shall proceed to collect the same in the same manner as provided for the collection of town and county taxes.

Statement of delinquent licenses to be made for town clerks, &c.

SECTION 6. If any license money shall remain unpaid on the first Monday of February, or at the end of sixty days from the time such treasurer received such license list for collection, he shall make out and deliver to the clerk of such town, city or village a statement in writing, containing the names of the persons and the amount of the license remaining unpaid, and he shall make and subscribe an affidavit to such statement, before some justice of the peace, or other person authorized to administer oaths, that the license mentioned in such statement remains unpaid, that he has complied with the requirements of the law, and that after diligent efforts he has been unable to collect the same; and the treasurers of the several towns, cities and incorporated villages in the counties of Rock, Portage, Ashland, Burnett, Douglas, La Pointe [Bayfield,] Dallas, Polk, Green Lake and Juneau, in this state, shall make similar statements or affidavits to the county treasurers of their said counties, and shall at the same time pay over to the said county treasurers all moneys then in their hands collected under and by virtue of this act; and the said county treasurers are hereby required to receive the said money and keep the same as the sheep fund of their said counties, and pay out and dispose of the same in the same manner and for the same purposes, as is directed in this act for the disposition of said license fund so collected and paid out by the town treasurers.

Ibid. for certain county treasurers, and payment of license moneys collected.

To be kept as sheep fund, &c.

Payment for sheep killed by dogs.

SECTION 7. The owner of any sheep or lambs suffering loss by reason of worrying, maining or killing, by dogs or wolves, may present, within thirty days after such loss shall come to his knowledge, to the mayor or aldermen of the city, the president or trustees of any incorporated village, or supervisors of the town wherein the damage is done, proof thereof to the satisfaction of the board of supervisors, mayor, aldermen, the president or trustees of any village, verified by oath or affirmation by, one or more disinterested persons; and thereupon the said officers shall draw an order in favor of the owner of said sheep or lambs upon the treasurer of said county, town, city or incor-

porated village, for the amount of such loss. The treasurer shall register all such orders in full at the time of their presentation, and shall annually, on the first Tuesday in April, pay all such orders in full, if the gross amount received by said county, town, city or incorporated village under the provisions of this act, up to such date, after deducting all sums previously paid out under such provisions, if [be] sufficient therefor; otherwise, the treasurer shall divide said amount, after deducting as aforesaid, *pro rata*, among said orders, and in full discharge thereof: *provided*, that all surplus license money, if any there should be in the treasury of said county, town, city or incorporated village, after lying in said treasury three months, shall be paid into the fund for the support of schools in said county, town, city or village, as the case may be: *provided*, that the county treasurers of the counties of Rock, Ashland, Burnett, Portage, Douglas, La Pointe [Bayfield,] Dallas, Polk, Green Lake and Juneau, shall not pay to any town, city or incorporated village, or to any resident thereof, any of the moneys known as the dog license fund, that do not comply with the provisions of this act.

Surplus to be paid into school fund.

Residents of certain t wns not to be paid for sheep killed.

SECTION 8. Any officer of any town, city or incorporated village, who shall refuse or neglect to perform the duties imposed upon him by this act, shall be punished by fine not exceeding twenty dollars for every twenty-four hours which he shall so neglect or refuse, which shall be paid into the treasury of such town, city or incorporated village.

Penalty.

SECTION 9. Upon drawing an order, as is provided in section seven of this act, the town, city or incorporated village may recover against the owner or keeper of any dog or dogs concerned in doing the damage, the full amount of the damage done, if such owner or keeper be known.

Prosecutions for damages by dogs.

SECTION 10. All fines and forfeitures imposed as a penalty for the violation of any of the provisions of this act, or neglect of any duty imposed by the same, shall be presented by complaint before a justice of the peace of the proper jurisdiction, and no mere technical objection to the complaint shall be alleged to defeat a prosecution so commenced; and prosecutions for fines and forfeitures under this act, shall be in the name of the state of Wisconsin.

Collection of fines and forfeitures.

How actions to be prosecuted.

SECTION 11. In all cases under the provisions of this act, when any person or corporation shall be entitled to recover damages, the same shall be recovered in a civil action, prosecuted according to the laws of this state; and it shall be the duty of the district attorney in any of the counties in this state, to prosecute any public officer for violation, neglect or evasion of any of the provisions of this act, upon the application of any tax-paying resident of said county.

Duty of district attorney.

Withdrawal of license moneys paid by certain towns, &c.

SECTION 12. The treasurer of any town, city or incorporated village in the counties of Jefferson, Waukesha, Columbia, Fond du Lac and Sheboygan, who may have paid the dog license fund to the county treasurer of any of the counties mentioned in this section, may withdraw the amount so paid, and such county treasurer shall, upon the application of said town, city or village treasurer, pay back said license fund, which shall be used by such town, city or village as provided in section seven of this act; and the time of paying orders, as provided in said section seven of this act, shall for the year 1866 be extended in the several towns, cities and villages in the abovenamed counties, from the first Tuesday in April, to the first Tuesday in May.

Liability of owners of dogs.

SECTION 13. The owner or keeper of any dog or dogs which shall have wounded, maimed or killed any cattle, horses, sheep or lambs, or injured any person, shall be liable to the owner or legal possessor of such cattle, horses, sheep or lambs, or to the person injured, in all damages so done by said dog or dogs, without proving notice to the owner or keeper of such dogs, or knowledge by him that his dog was michievous, or disposed to kill or worry sheep; and all laws conflicting with this section are hereby repealed.

Repeal.

SECTION 14. Chapter 415 of the general laws of 1865, and chapter 404 of the general laws of 1862, relating to the license and keeping of dogs, and all acts inconsistent with the provisions of this act, are hereby repealed.

SECTION 15. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1866.

CHAPTER 111.

[*Published April* 24, 1866.]

AN ACT to amend certain sections of chapter 155 of the general laws of 1863, entitled "an act to codify the laws of this state relating to common schools."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 19 of chapter 155 of the general laws of 1863, entitled "an act to codify the laws of this state relating to common schools," is hereby amended, so as to read as follows: "The inhabitants qualified by law to vote at a school district meeting, when assembled at the first and each annual meeting in their district, shall have power: Powers of electors at annual meetings.

"1st. To appoint a chairman for the time being. Chairman.

"2d. To adjourn from time to time as occasion may require. Adjournment

"3d. To choose a director, treasurer and clerk. Officers.

"4th. To designate a site for a district school house. Site.

"5th. To vote such tax on the taxable property of the district as the meeting shall deem sufficient to purchase or lease a suitable site for a school house, to build, hire or purchase such school house, and to keep in repair and furnish the same with the necessary fuel and appendages: *provided*, that no district containing a population of less than two hundred and fifty inhabitants, shall have power to levy and collect a tax for building, hiring or purchasing a school house, of more than six (6) hundred dollars in any one year, unless the supervisors of the town in which such school house is to be situated, shall certify in writing that in their opinion a larger sum should be raised, and shall specify such sum, in which case an amount not exceeding the sum specified may be raised: *provided, further*, that no district shall have power to raise and collect in any one year, for the purposes above specified, more than one thousand dollars, unless the supervisors shall certify as above set forth. Tax for site, &c. Limit to tax. Ibid.

"6th. To vote a tax on the taxable property of the district of such sum as the meeting shall deem proper for the payment of teachers' wages in the district: *provided*, that no district containing a population of less Teachers' wages. Limit.

than two hundred and fifty inhabitants, shall have power to levy and collect a tax for school purposes, other than for the purposes prescribed in the 5th subdivision of this section, in such district, of more than five hundred dallars in any one year.

Sale of school house, &c.

"7th. To authorize and direct the sale of any school house, site or other property belonging to the district, when the same shall be no longer needed for the use of the district.

Tax for liabilities.

"8th. To impose such a tax as may be necessary to discharge any debts or liabilities of the district, lawfully incurred.

Tax for maps, &c.

"9th. To vote a tax not exceeding seventy-five dollars in any one year, for the purchase of maps, blackboards and apparatus for illustrating the natural sciences.

Tax for library, &c.

"10th. To vote a tax on the district, not exceeding fifty dollars in any one year, for a district library, consisting of such books as they may direct their district board, at a district meeting, to purchase; said books to be selected under the advice of the state superintendent of public instruction.

May admit scholars not residing in district.

"11th. To authorize the district board to admit to the privileges of the school, persons over twenty years of age, and persons not residing in the district, whenever such admission will not interfere with the accommodation or instruction of the scholars residing *therein*, and fix a fee for tuition per term, quarter or year, to be charged to the persons thus admitted.

Time school shall be taught.

"12th. To determine the length of time a school shall be taught in their district the then ensuing year, which shall not be less than five months, and whether such school shall be taught by a male or female teacher, or both, and whether the school moneys to which the district is entitled from the income of the school fund, and from the town, shall be applied to the support of the summer or winter school, or a certain portion to each; but if such matters shall not be determined at the annual meeting, the district board shall determine the same. The above provisions in reference to the length of time that schools shall be taught, shall take effect August 31st, 1866.

Prosecutions.

"13th. To give such direction and make such provision as may be deemed necessary in relation to the

prosecution or defense of any action or proceeding in which the district may be a party, or may be interested

"14th. To alter, repeal and modify their proceedings, as occasion may require." Proceedings.

SECTION 2. Section 40 of the aforesaid chapter of the general laws of 1863, is hereby amended, so as to read as follows: "It shall be the duty of the clerk to draw orders on the treasurer of the district for moneys in the hands of such treasurer, which have been apportioned to or raised by the district, to be applied to the payment of the wages of legally qualified teachers who have been employed by him, with the consent of the director or treasurer, to teach the school of such district, and also to draw orders on said treasurer for moneys in his hands, to be disbursed for any other purpose for which the same shall have been voted by the district, agreeably to the provisions of section 19 of this chapter: *provided*, that each order shall designate the object for which and the fund upon which it is drawn, and shall be countersigned by the director; *and provided, further*, that no order for the payment or teachers' wages shall be drawn, countersigned or paid, which is in favor of any person who has taught the school of said district, when not holding a certificate of qualification from the county superintendent, or (in case of appeal) from the state superintendent." Clerk to draw orders on treasurer. Objects to be stated. Certificate of qualification.

SECTION 3. Section 42 of the chapter aforesaid, is hereby amended, so as to read as follows: "The clerk shall contract with and hire legally qualified teachers for and in the name of the district, which contract shall be in writing, and shall have the consent of the director or treasurer indorsed thereon, and shall specify the wages per week or month, as agreed upon by the parties; and such contract so completed, shall be filed in his office, together with a copy of the certificate of the teacher with whom the contract is made." Clerk to contract with and hire teachers.

SECTION 4. Section 50 of the chapter aforesaid is hereby amended, so as to read as follows: "The said board shall have power to fill by appointment any vacancy that may occur in their own number, within ten days after such vacancy shall occur; and if such vacancy shall not be filled within ten days, as aforesaid, by said board, it shall be the duty of the town clerk to fill such vacancy by appointment. Any person appointed to fill a vacancy, upon being notified of such Vacancies in board—how filled.

appointment, shall be deemed to have accepted the same, unless he shall, within five days thereafter, file with the clerk or director a written refusal to serve; and any person appointed to fill a vacancy shall hold the office until the annual meeting succeeding such appointment."

Board to select text books.

SECTION 5. Section 53 of the aforesaid chapter is hereby amended, so as to read as follows: "The district board of each school district shall have power, and it shall be their duty, to determine, under the advice and recommendation of the state superintendent, what school and text books shall be used in the several branches taught in the school of such district, and a list of the books selected under the provisions of this section, shall be filed in the office of the district clerk, and securely posted in the school-room."

Branches to be taught.

SECTION 6. Section 55 of the chapter aforesaid is hereby amended, so as to read as follows: "Orthography, reading, writing, English grammar, geography and arithmetic shall be taught in every district school, and such other branches as may be determined upon by the district board: *provided*, that no branch of study shall be taught in any other than the English language."

How tax to be collected.

SECTION 7. Section 68 of the chapter aforesaid is hereby amended, so as to read as follows: "The town clerk shall assess said tax, or the due proportion thereof, upon the real and personal property liable thereto, placing the same in a separate column in the next assessment roll of his town delivered to the town treasurer for collection, whenever such certificate of the district clerk shall be received by him in time therefor, although after the fourth Monday of November; and if for any reason such tax shall not be assessed in the next assessment roll after the tax is voted, it shall be assessed in that of the next succeeding year. The tax shall in all respects be collected or returned delinquent like other taxes, and when collected, the money shall be paid over to the district treasurer: *provided*, that if there shall be a deficiency of cash funds in the town treasury to pay all the charges thereon in any year, then the town treasurer shall set apart a sufficient amount of such funds to pay in full the amount of moneys levied and assessed for common school purposes, and returned taxes collected for any

Delinquent taxes

In case of deficiency.

school district; *and provided, further*, that merchants' and manufacturers' stock shall be liable to assessment for school tax, only in the school district where the same is situated." Where certain property taxable

SECTION 8. Section 102 of the chapter aforesaid is hereby amended, so as to read as follows: "Every applicant for a certificate of the third grade, shall be examined in pronunciation, orthography, reading, penmanship, intellectual and written arithmetic, English grammar, geography, history of the United States, and the theory and art of teaching, and if found qualified, shall receive a certificate, which shall entitle the holder to teach in the town for which he applies, and which shall be in force for one year from the date thereof; and each county superintendent may issue limited third grade certificates for a less period than one year, and for a particular district, whenever, by examination, he is satisfied that the applicant is qualified to teach in such district, and is not qualified to teach in every district of the town for which he is licensed: *provided*, that no person shall receive a certificate of any grade who does not write and speak the English language with facility and correctness." Requisites for third grade certificate. Special district certificate. Requisites.

SECTION 9. Section 136 of the chapter aforesaid is hereby amended, so as to read as follows: "Any clerk who shall draw an order upon the treasurer for the payment of wages to a teacher not legally qualified, or for any other purpose not authorized by law, and every director who shall countersign such order, shall be liable to a fine of not less than twenty nor more than one hundred dollars; and any elector may prosecute for the use and benefit of such district, for the recovery of the fine prescribed in this section." Penalty for drawing and countersigning unauthorized orders.

SECTION 10. Section 138 of the aforesaid chapter is hereby amended, so as to read as follows: "Whenever any person designated by this chapter to prosecute a district or other school officer, for neglect of duty or for illegal action, shall fail or neglect to prosecute said officer for the space of ten days after being requested by any elector so to do, and in all cases not specially provided for, any elector of the district may prosecute such officer in the name and for the use and benefit of the district, for the recovery of the fine or the infliction of the penalty prescribed by law for the failure of such officer to perform his duty, or for the illegal action of Prosecutions, &c.

said officer; and in case judgment shall be rendered against the defendant, the forfeiture recovered shall be applied in the first place to pay the necessary expenses of prosecution, and the balance, if any, shall be paid into the district treasury."

Repeal.

SECTION 11. All laws and parts of laws inconsistent or conflicting with the provisions of this act, are hereby repealed.

SECTION 12. This act shall take effect and be in force from and after its passage and due publication.

Approved April 12, 1866.

CHAPTER 112.

[*Published April* 24, 1866.]

AN ACT to regulate the mode of selecting jurors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Town boards of supervisors, trustees of villages and aldermen of wards to make out lists of persons to serve as jurors, and forward same to clerks of boards.

SECTION 1. The board of supervisors in the several towns, the trustees of the several villages in which, at general elections, a poll separate and distinct from that of the town in which said village is located, shall be held according to law, and the aldermen in each ward of the several cities in this state, shall, within thirty days after the first Monday in May, in each year, make out from the last poll list of such town, village or ward, a list containing the names of not less than ten nor more than twenty persons, such as they shall believe to be qualified to act as jurors under the laws of this state, which list of names, when completed, shall be certified to by such town board, trustees or aldermen, as the case may be, making the same, and immediately forwarded, by mail or otherwise, to the clerk of the board of supervisors of the county within which such town, village or ward is situated, and upon the reception thereof, such clerk shall file and preserve the same in his office.

County boards to select jurors from such lists.

SECTION 2. Hereafter the board of supervisors in each county in this state, to which this act shall be applicable, in making up the jury list for such county,

shall select the names of the persons chosen as jurors from the several lists returned to the clerk of the board of supervisors in compliance with this act, and from none other; such selection to embrace as nearly as practicable an equal number of names from the several lists returned.

In case of failure to make out lists.

SECTION 3. The failure or omission of any town, board of trustees or aldermen, to make out and return to the clerk of the county board of supervisors a list of names in compliance with this act, shall not render irregular or invalid any list of jurors otherwise regularly selected by the county board of supervisors, from the list properly returned in compliance with this act.

Application.

SECTION 4. This act shall not apply to any county or city in this state, wherein special provision is made by law for the selection of jurors.

SECTION 5. This act shall be in force from and after its passage and publication.

Approved April 12, 1866.

CHAPTER 113.

[*Published April* 25, 1866.]

AN ACT to amend chapter 398 of the general laws of 1862, entitled "an act to authorize the county supervisors to construct drains in certain cases."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Boards of supervisors may cause to be constructed ditches, &c.

SECTION 1. Section one (1) of chapter 398 of the general laws of 1862, is hereby amended, by striking out the word "regular," where it occurs in said section; also, by striking out the word "conductive," where it occurs in said section, and inserting in lieu thereof the word "conducive," so that it will read as follows: "That the county board of supervisors of any county shall have power, at any session, whenever in their opinion the same is demanded by or will be conducive to the public health, convenience or welfare, to cause to be established, located and constructed, as

hereinafter provided, any ditch, drain or water-course within such county."

Application therefor.

SECTION 2. Section two (2) of said section is also hereby amended, by striking out the word "effected," and inserting in lieu thereof the word "affected," and by striking out all of said section after the word "material," so that it will read as follows: "That before the county board of supervisors of any county shall take any steps towards locating or establishing any ditch, drain or water course, there shall be filed with the clerk of the board of supervisors a petition from one or more persons owning lands adjacent to the line of such proposed ditch, drain or water-course, setting forth the necessity of the same, with a description of its proposed starting point, route and terminus, together with the names of all persons liable to be benefited or damaged thereby, so far as known to the petitioner; and shall at the same time file a bond, with good and sufficient sureties, to the acceptance of the clerk of the board of supervisors, conditioned to pay all expenses incurred in case the county board of supervisors shall refuse to grant the prayer of the petition; and it shall be the duty of the clerk of the board of supervisors immediately thereafter to place a correct copy of said petition in the hands of the county surveyor, or a competent engineer, who shall thereupon, taking with him the necessary assistance, proceed to make an accurate survey of the route of the proposed ditch, drain or water-course; and on the completion thereof, shall return a plat or plats and profile of the same to the said clerk of the board of supervisors, and shall also set forth in his return, a description of the proposed route, its availability and necessity, with a description of each separate tract of land through which the same is proposed to be located, how it will be affected thereby, and its situation and level as compared with adjoining lands, together with such other facts as may be deemed material. It shall be the duty of the clerk of the board of supervisors, immediately on said report being filed, to cause notice to be given as hereinafter directed, of the pendency and prayer of said petition, and the time of hearing the same, which notice shall contain a description of each tract of land upon which said proposed ditch, drain or water-course is represented upon the plat aforesaid, which notice shall be published three successive weeks

Bond for expenses.

Survey and report.

Notice to owners of lands.

before said hearing, in some newspaper published in said county, if there be any, if not, in some newspaper having general circulation in said county."

Damages, and release therefor.

SECTION 3. Section three is also hereby amended, by striking out the word "third," so that it will read as follows: "That any person or persons claiming compensation for land appropriated for the purpose of constructing any ditch, drain or water-course under the provisions of this act, shall make his, her or their application in writing therefor to the county board of supervisors, on or before the day of the session at which the petition has been set for a hearing; and if any application or applications for compensation as aforesaid shall have been made, the amount of said compensation may be determined by agreement between the supervisors and such owner or owners. Every such agreement shall be reduced to writing, and be signed by such owner and the county supervisors, and filed in the office of the clerk of the board of supervisors; and every such agreement and every release of damages given, shall forever preclude such owner and all persons claiming under him, from all further claim for damages. If there be any owner or owners of land through which such drain, ditch or water-course shall be located, who shall not apply for or who shall not agree with the supervisors as to the compensation they shall receive for damages sustained by them, by reason of the location of such drain, ditch or water-course, as provided in this act, said supervisors shall proceed to assess the damages which such owner or owners will sustain by reason of locating said ditch, drain or water-course as aforesaid, and make an award in writing, specifying therein the sum awarded by them to such of said owners for their respective damages. Said award shall be signed by said supervisors, and be filed in the office of the clerk of the board of supervisors, with the return of the surveyor or engineers; and further proceedings thereafter by the supervisors, shall be adjourned till the next session of the county board."

When supervisors may award damages.

Appeal.

SECTION 4. Section four of said act is also amended, by striking out the word "sixty," where it occurs therein, and inserting in lieu thereof the word "twenty," so that it will read as follows: "If any applicant for compensation as aforesaid, shall not be satisfied with the sum awarded for damages by such supervisors,

he may within twenty days after the filing of the award of damages in the office of the clerk of the board of supervisors, as provided in the preceding section, apply to the county judge of the county for a jury to assess and appraise such damages. Such application shall be in writing, describing the premises, and any number of persons claiming damages on account of said ditch, drain or water-course, may join in such application.

When notice to be served.

The party appealing shall serve on the clerk of the board of supervisors of the county, at least six days before the time fixed for making such application, a notice in writing, specifying the time when such application will be made."

Bond for costs.

SECTION 5. Section five (5) of said act is also hereby amended, by striking out the word "regular," where it occurs in said section, so it will read as follows: "Any person applying for a jury, as mentioned in the preceding section, shall, by himself or agent, execute to the supervisors of the county, and file with the county judge, a bond with one or more sureties, to be approved by said judge, conditioned to pay all costs arising from such appeal and apportionment of damages, provided such jury shall not award a larger amount of damages than was awarded by the county board of supervisors.

Jury.

Upon any such application, the county judge shall make a list of fifteen disinterested freeholders of the county, not of kin to the owner or occupant of the said lands. Each party may object to five on such list, and if none of the supervisors shall be present, the county judge shall strike off the five names for the supervisors, and shall thereupon issue a precept to the sheriff, directing him to summon the five persons named in such list not objected to by the parties, to meet at a time and place to be specified in such precept, to appraise the damage sustained by the owner or owners appealing from the assessment of the county board aforesaid, by the location of the said ditch, drain or water-course. At the time and place appointed for the appearance of said jury, they shall be sworn by the county judge, justly and impartially to make such appraisal, and shall proceed to view the premises where said ditch, drain or water-course is proposed to be located, and hear the statements and proof of parties,

Return of jury.

if they deem it necessary; and they shall make their return of appraisal to the county judge, which shall be

certified by said judge, and filed with the clerk of the board of supervisors, with the award of the board of supervisors as aforesaid; and if the amount of appraisal of such jury shall exceed the amount awarded by the supervisors, the costs and expenses shall be paid by the county; but if the jury shall not award greater damages than were awarded by the supervisors, the costs and expenses shall be paid by the appellant; and the said county board of supervisors shall, at their next session after the appraisement by the jury is rendered as aforesaid, proceed to locate and establish such ditch, drain or water-course, as herein provided. The costs and compensation allowed shall be paid out of the county treasury from the general fund, or remain deposited therein, subject to the order of such claimant or claimants."

Costs.

Location of ditch, &c.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved April 12, 1866.

CHAPTER 114.

[*Published April* 16, 1866.]

AN ACT to reorganize and enlarge the university of Wisconsin, and to authorize the county of Dane to issue bonds in aid thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The object of the university of Wisconsin shall be to provide the means of acquiring a thorough knowledge of the various branches of learning connected with the scientific, industrial and professional pursuits; and to this end, it shall consist of the following colleges, to wit: 1st. The college of arts. 2d. The college of letters. 3d. Such professional and other colleges as from time to time may be added thereto or connected therewith.

Object—colleges.

SECTION 2. The college of arts shall embrace courses of instruction in the mathematical, physical and natural sciences, with their applications to the industrial arts, such as agriculture, mechanics and engineering, mining

Course of instruction in college of arts.

and metallurgy, manufactures, architecture and commerce, in such branches included in the college of letters, as shall be necessary to a proper fitness of the pupils in the scientific and practical courses for their chosen pursuits, and in military tactics; and as soon as the income of the university will allow, in such order as the wants of the public shall seem to require, the said courses in the sciences and their application to the practical arts, shall be expanded into distinct colleges of the university, each with its own faculty and appropriate title.

Course of instruction in college of letters.

SECTION 3. The college of letters shall be coexistent with the college of arts, and shall embrace a liberal course of instruction in language, literature and philosophy, together with such courses or parts of courses in the colleges of arts, as the authorities of the university shall prescribe.

Open to males and females.

SECTION 4. The university in all its departments and colleges, shall be open alike to male and female students; and all able-bodied male students of the university, in whatever college, shall receive instruction and discipline in military tactics, the requisite arms for which shall be furnished by the state.

Board of regents —terms.

SECTION 5. The government of the university shall vest in a board of regents, to consist of fifteen members, to be appointed by the governor, two from each congressional district in the state, and three from the state at large. At the first appointment, which shall be within sixty days after the passage of this act, five shall be commissioned for one year, five for two years, and five for three years. Thereafter the full term of office shall be three years from the first Monday in February, in the year in which they were appointed, unless sooner removed by the governor.

Old board to be dissolved, &c.

SECTION 6. The said board of regents shall succeed to the custody of the books, records, buildings and all other property of the university; and the present board of regents shall be dissolved immediately upon the organization of the board herein provided for: *provided*, that all contracts legally made, and at that time binding upon the board thus dissolved, shall be assumed and discharged by their successors.

Powers of board.

SECTION 7. The regents and their successors in office shall constitute a body corporate, with the name and style of "the regents of the university of Wisconsin,"

with the rights, as such, of suing and being sued, of contracting and being contracted with, of making and using a common seal, and altering the same at pleasure. They shall have power, and it shall be their duty, to enact laws for the government of the university, in all its branches; to elect a president of the university, and the requisite number of professors, instructors, officers and employees, and to fix their salaries, also the term of office of each, and to determine the moral and educational qualifications of applicants for admission to the various courses of instruction: *provided*, that no instruction, either sectarian in religion, or partisan in politics, shall ever be allowed in any department of the university, and no sectarian or partisan test shall ever be allowed or exercised in the appointment of regents, or in the election of professors, teachers or other officers of the university, or in the admission of students thereto, or for any purpose whatever.

Tuition.

SECTION 8. For the time being, an admission fee and rates of tuition, such as the board of regents shall deem expedient, may be required of each pupil, except as hereinafter provided; and as soon as the income of the university will permit, admission and tuition shall be free to all residents of the state; and it shall be the duty of the regents, according to population, to so apportion the representation of students, that all portions of the state shall enjoy equal privileges therein.

Tuition free to one pupil from each assembly district.

SECTION 9. One suitably qualified pupil from each assembly district, to be nominated by the representative of such district in the legislature of the state, who, other things being equal, shall prefer an orphan of a soldier who has died in defense of his country, shall be at once and always be entitled to free tuition in all the colleges of the university.

President.

SECTION 10. The president of the university shall be president of the several faculties, and the executive head of the institution, in all its departments. As such, he shall have authority, subject to the board of regents, to give general direction to the practical affairs and scientific investigations of the several colleges, and in the recess of the board of regents, to remove any employee or subordinate officer, not a member of the faculty, and to supply for the time any vacancies thus created; and so long as the interests of the institution require it, he shall be charged with the duties of one of

Secretary. the professorships. The secretary of state shall be secretary of the board of regents, and shall keep a faithful record of all the transactions of the board of regents, and shall perform such duties as they shall impose.

Treasurer. The state treasurer shall be the treasurer of the board of regents, and perform all the duties of such office.

Government. SECTION 11. The immediate government of the several colleges shall be intrusted to their respective faculties; but the regents shall have power to regulate *the* courses of instruction, and prescribe the authorities to be used in the several courses, and also to confer such degrees and grant such diplomas as are usual in universities, or as they shall deem appropriate.

Annual report. SECTION 12. At the close of each fiscal year the regents, through their president, shall make a report in detail to the governor, exhibiting the progress, condition and wants of each of the colleges embraced in the university, the course of study in each, the number of professors and students, the amount of receipts and disbursements, together with the nature, costs and results of all important investigations and experiments, and such other information as they may deem important; one copy of which shall be transmitted, free, by the secretary of state to all colleges endowed under the provisions of the congressional act of July 2d, 1862, hereinbefore [hereinafter] referred to, and also one copy to the secretary of the interior, as provided in said act.

Endowment. SECTION 13. For the endowment and support of the university, there are hereby appropriated: 1st. The income of the university fund. 2d. The income of a fund to be derived from the sales of the two hundred and forty thousand acres of land granted by congress to the state of Wisconsin, by virtue of an act approved July 2d, 1862, entitled "an act donating land to the several states and territories which may provide colleges for the benefit of agriculture and mechanic arts," which fund shall be designated as the agricultural college fund. 3d. All such contributions to the endowment fund, as may be derived from public or private bounty.

To be at disposal of regents. The entire income of all said funds shall be placed at the disposal of the board of regents, for the support of the aforesaid colleges of arts, of letters, and of such colleges as shall be established in the university, as provided in section two of this act: *provided*, that all

means derivable from other public or from private bounty, shall be exclusively devoted to the specific objects for which they shall have been designed by the grantors.

Meetings of board.

SECTION 14. Meetings of the board may be called in such manner as the regents shall determine, a majority of whom shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. No member of the board shall receive compensation for his services as such member, but each member shall be entitled to reimbursement, on the audit of the board, for his traveling and other necessary expenses while employed on the business of the board.

Expenses of regents to be reimbursed.

First meeting—president.

SECTION 15. The first meeting of the regents, the appointment of which is herein provided for, shall be held in the university edifice, on the last Wednesday of June, 1866, at which time the regents when so convened, shall elect one of their number president of the board. The time for the annual election of president of the board of regents, as also the regular annual meeting, and such other meetings as may be required, shall be determined in the by-laws of the board. Immediately upon the organization of the board, it shall be their duty to make arrangements for securing, without expense to the state, or to the funds of the university, suitable lands, in the immediate vicinity of the university, not less than two hundred acres, including the university grounds, for an experimental farm, and as early as possible thereafter, to make such improvements thereon as will render it available for experimental and instructional purposes, in connection with the agricultural course in the college of arts.

Purchase of land for experimental farm.

Dane county may aid in purchase of lands, &c.

SECTION 16. To enable the board of regents to purchase lands in the vicinity of the university for an experimental farm, and to improve the same, the board of supervisors of Dane county are hereby authorized and empowered to issue the bonds of said county, bearing interest at the rate of seven per cent. per annum, interest payable annually, for the amount of forty thousand dollars, such bonds to be payable on or before the first day of January, A. D 1886, at such place as may be determined by said board of supervisors. The bonds so issued shall be delivered to the board of regents of the university, who shall faithfully apply the same, or the proceeds thereof, together with all contributions

made for this specific purpose, to the purchase and improvement of the lands for such experimental farm. But if the said county of Dane, by its proper officers, shall not make provision for the issue and delivery of said bonds as aforesaid within thirty days after the passage of this act, and if in such case the citizens of said county shall fail within thirty days after the expiration of said first mentioned period of thirty days, to furnish guarantees satisfactory to the secretary of state, that the said amount of forty thousand dollars shall be placed at the disposal of the regents of the university at the first meeting of the board, then this act shall be null and void.

Repeal.

SECTION 17. So much and such parts of chapter twenty-one of the revised statutes, and of any and all acts, as contravene the provisions of this act, are hereby repealed.

SECTION 18. This act shall take effect and be in force from and after its passage.

Approved April 12, 1866.

CHAPTER 115.

[*Published April 25, 1866.*]

AN ACT to facilitate reviews on appeals, in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When new trial may be granted.

SECTION 1. In all actions wherein judgment shall be rendered in any of the courts of record of this state, and the judge by or before whom the same were tried, shall die or remove from the state before any bill of exceptions, as provided, required or authorized by law, shall have been settled therein, and before the time has elapsed for settling the same, as fixed by law or by the order of court, or by stipulation or agreement between the parties, the court in which [the] same was rendered shall grant a new trial therein, upon application of either one of the parties: *provided*, that such application shall be made at the first term of the court in

When application to be made

which such judgment was rendered after the death or removal of said judge; *and provided, further,* that such application shall not be granted unless the party making such application, his agent, attorney or counsel, or some one on his behalf, shall make an affidavit that such application is made in good faith, and not for the purpose of delay. Must be made in good faith.

SECTION 2. In all cases in any of the courts of record of this state, wherein at any time within three years immediately preceding the passage of this act, judgment shall have been rendered and entered, and the judge by and before whom the same were tried, has died or removed from the state previously to the expiration of [the] time fixed by law, or by the order of any judge or court, by stipulation or agreement between the parties or their attorneys therein, for settling a bill of exceptions therein, as authorized, provided or required by law, or as required or authorized by any of the provisions of chapter 264 of the general laws of (*A. D.*) 1860, of the state of Wisconsin, or of any act amendatory thereof, the court in which said case was tried and judgment rendered, shall upon the application of either one of the parties, vacate and set aside any such judgment, and grant a new trial in such action; and if an appeal in any such action, or from the judgment therein, shall have been made or taken to the supreme court, such application may be made either to such supreme court or the court in which [the] same was tried; and in case the application is made to the supreme court as above provided, such court shall make an order setting aside the judgment rendered therein, and direct that a new trial be had therein, and shall remand all papers therein: *provided,* that the supreme court may require the party making such application, to pay all clerk's costs in [the] supreme court, and all disbursements whico the opposite party has been subjected to in said court for printing: *provided, however,* that all such applications under this section shall be made to the supreme court at the term which may be in session at the time of the passage of this act, if there be sufficient time to make such application at such term, if not, then at [the] next term, or at the first general term of the court in which such judgment was rendered, which shall be held after the passage of this act; *and provided, further,* that such application shall not be granted without the party making When judgment may be vacated, and new trial granted. In case of appeal to supreme court. Must be made in good faith.

[the] same ,his agent, attorney, counsel,'or some one on his behalf, shall make an affidavit that such application is made in good faith, and not for the purpose of delay.

Taxable costs.

SECTION 3. In all cases when a new trial shall be granted under the provisions of this act, the party applying therefor, in addition to the requirements of the preceding sections, shall also be required by the court to pay or tender to the opposite party all taxable costs which he may have incurred after the service of the notice of trial for the term at which the cause was tried.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1866.

CHAPTER 116.

[*Published April* 25, 1866.]

AN ACT to incorporate the "board of regents of normal schools," and to define the duties thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Board of regents to be body corporate—their powers.

SECTION 1. The "board of regents of normal schools," created by chapter 22 of the revised statutes, and the several acts amendatory thereof, and their successors in office, are hereby constituted a body corporate, with the name and style of the board of regents of normal schools of the state of Wisconsin; and under that name and style shall have perpetual succession, with the right to purchase, have, hold, control, possess and enjoy to them and their successors in office, in trust for the state of Wisconsin, for educational purposes solely, any lands, tenements, hereditaments, goods, chattels and effects of whatsoever nature or description the same may be, which may be necessary and required for the legitimate purposes, objects and uses of the state normal schools authorized by this act, and none other, with full power to sell or dispose of such personal property, or any part thereof, when in their judgment it shall be for the interest of the state; to make all such contracts and agreements as shall be

necessary to carry into effect the purposes of this act; to sue and be sued, plead and be impleaded, in all courts of this state; to have and use a common seal, and the same to change, alter or renew at pleasure; to make such by-laws and regulations as they may deem proper for the well-ordering and government of said corporation, and the transaction of its business: *provided*, that said board of regents shall not have power to sell, mortgage or dispose of, in any way, any real estate so held by them as aforesaid, without the express authority of the legislature of this state, nor have power to borrow money; nor shall the indebtedness contracted or liabilities incurred by said board of regents ever at any time exceed in the aggregate the amount of money which under the provisions of law shall then be at their disposal, in the hands of the state treasurer; nor shall the said board of regents ever reduce the amount at their disposal, in the hands of the state treasurer, below the aggregate amount of their indebtedness or liability, except in payment of such indebtedness or liability; *and provided, further*, that the proceeds derived from the sale of any real or personal estate by said board of regents, shall be paid by them into the treasury, and shall become a part of the income of the normal school fund.

Subject to certain provisions of law.

SECTION 2. Said corporation shall be subject to the provisions of chapter twenty-two of the revised statutes of 1858, and the acts amendatory thereof, and to the provisions of chapter 537 of the general laws of 1865, so far as the same can apply and are not inconsistent with the provisions of this act.

Powers of board of regents in relation to normal schools.

SECTION 3. The said "board of regents of normal schools" shall have power and authority to demand and receive the sum or sums of money donated and subscribed by any persons, or any town, incorporated village, city or county of this state, to aid in the erection of the necessary buildings for normal schools, in such manner as said board may prescribe, and apply the same to the erection and completion of the required buildings, the purchase of the necessary books, apparatus, furniture and fixtures, and for various other incidental expenses to be incurred by said board, in pursuance of the provisions of this act; and if any surplus shall remain, to apply the same to the expenses of conducting said normal schools, and any

deficit which may arise in the erection and completion of said buildings and purchases aforesaid, shall be paid out of the income of the normal school fund, not to exceed the sum of ten thousand dollars for the completion of the buildings of any one normal school, and for furniture and fixtures pertaining to the same. Such sum shall be paid by the state treasurer, from time to time, on the warrant of the secretary of state, to be drawn in pursuance of the certificate of the secretary of the board, and countersigned by the president, and such other evidence as the secretary of state shall require; and no such certificate shall be issued until the sum or sums donated and subscribed by any person or town, incorporated village, city or county, to aid in the erection of a normal school building, shall have been paid in full into the state treasury, nor until work shall be done or services rendered, or buildings erected, or fixtures or furniture purchased, for a normal school, under the direction of the board of regents of normal schools, entitling the applicant to such certificate, according to a contract or agreement with said board for that purpose. No member of the board of normal regents shall receive any pay for traveling to or attendance at any meeting of the board, nor for any service rendered; but all moneys actually and necessarily expended by any member in traveling, attending meetings, or performing any other duty or service directed to be performed, shall be refunded to him, on duly authenticated accounts presented to and audited by the board, and the amount thus audited shall be drawn from the state treasury only on the warrant of the secretary of state, in pursuance of the certificate of the board, signed by the president and secretary thereof.

Expenses of board to be paid.

Purposes of normal schools.

SECTION 4. State normal schools shall be established and continued at such places as the board of regents of normal schools may designate, upon sites selected by said board; the exclusive purpose of which shall be instruction and training of persons, both male and female, in the theory and art of teaching, and in all the various branches that pertain to a good common school education; also, to give instruction in agricul ure, chemistry, in the arts of husbandry, the mechanic arts, the fundamental laws of the United States and of this state, and in what regards the rights and duties of citizens.

SECTION 5. The said normal schools shall be under the direction and control of the "board of regents of normal schools," and shall be governed and supported as herein provided. Said board shall proceed to erect suitable buildings upon the sites selected by them, as soon as the title thereto is vested in them in fee, in trust as aforesaid, and the sums of money, or United States bonds, or Wisconsin state bonds, as security donated and subscribed for the erection of the buildings, are paid into the state treasury, subject to be drawn only on the warrant of the secretary of state, as povided in section three of this act; and they may procure suitable plans and specifications for buildings, and they may employ persons to superintend the erection of said buildings. To be under control of board of regents.

SECTION 6. Said "board of regents of normal schools" shall have power to appoint a principal and assistant, and such other teachers and officers as may be required for each of said state normal schools, and to fix the salary of each person so employed, and to prescribe their several duties. They shall also have power to remove either the principal, assistant or teachers, or any person employed by them, and to appoint others in their stead. They shall prescribe the various books to be used in the said state normal schools, and shall make all the rules, regulations and by-laws necessary for the good government and management of the same; and no member of the said "board of regents of normal schools" shall during his continuance in office as a member of said board, act as the agent of any publisher or publishers of school books, or school library books, or be or become interested in the publication or sale of any such books, as agent or otherwise, on pain of expulsion by a majority vote of the board. Principal and assistants of normal schools.

SECTION 7. Said board shall also establish a model school or schools for practice, in connection with each state normal school, and shall make all the regulations necessary to govern and support the same; and they may in their discretion admit pupils free of charge of tuition. Model school.

SECTION 8. As soon as any state normal school is prepared to receive pupils, the superintendent of public instruction shall give notice of the fact to each clerk of the board of supervisors for each county of the state, and the said board of regents of normal schools shall Notice of normal schools being ready to receive pupils.

cause notice to be published in at least one newspaper in each congressional district.

Admission of students to normal schools.

SECTION 9. The "board of regents of normal schools" shall make such rules and regulations for the admission of students to each state normal school, as they may deem necessary and proper. Every applicant for admission shall undergo an examination in such manner as may be prescribed by the board; and if it shall appear that the applicant is not a person of good moral character, or that he will not make an apt and good teacher, such applicant shall be rejected. The said board may, in their discretion, require any applicant for admission to any state normal school, other than such as shall, prior to admission, sign and file with said board a declaration of intention to follow the business of teaching common schools in this state, to pay or secure to be paid such fees for tuition as to said board may seem proper and reasonable.

Visitors to normal schools.

SECTION 10. After any state normal school shall have commenced its first term, and at least once in each year thereafter, it shall be visited by three suitable persons, not members of the board, but to be appointed by the superintendent of public instruction, who shall examine thoroughly into the condition, organization and management of the school, and shall report to the superintendent of public instruction their views in regard to its success and usefulness, and any other matters they may judge expedient. Such visitors shall be appointed annually, and their report shall bear date of the 31st day of August, and cover the year preceding such date. The president of the board of regents of normal schools shall also make to the superintendent of public instruction an annual report, bearing date of the 31st day of August, which shall contain a full and detailed account of the doings of the said board, and of all their expenditures, and of all moneys received, and the prospect, progress and condition of said state normal schools; and such report, together with the reports of the different boards of visitors, shall be transmitted to the legislature by the superintendent of public instruction, as a part of his annual report, and in addition to what is now required by law.

Annual report of president.

Treasurer.

SECTION 11. The state treasurer shall by virtue of his office, be the treasurer of the board of regents of normal schools, but the said board shall have power to

appoint suitable persons to receive and pay to the state treasurer any tuition fees or other moneys that may be due from any student or other person.

Lectures.

SECTION 12. Lectures on chemistry, anatomy, physiology, astronomy, the mechanic arts, agriculture, and on any other science or branch of literature that the said board may direct, may be delivered to those attending said schools, in such manner and on such terms and conditions as the said board may prescribe.

Diplomas, &c.

SECTION 13. The said board shall have power to grant diplomas in testimony of scholarship and ability to teach, but no such diploma shall be granted to any person who has not passed a thorough and satisfactory examination in the course of study prescribed by the board of regents of normal schools. Certificates of attendance upon the normal schools may be given, on conditions to be fixed by the said board. After any person has graduated at any state normal school, and has taught a public school in this state one year, the superintendent of public instruction shall have authority to countersign the diploma of such teacher, after such examination, as to moral character, learning and ability to teach, as to the said superintendent may seem proper and reasonable.

Diploma deemed certificate of qualification to teach.

SECTION 14. Any person holding a diploma granted by the said board of regents of normal schools, certifying that the person holding the same is a graduate of a state normal school, and that he is qualified to teach a common school, shall, after the same has been countersigned by the superintendent of public instruction, as provided in section thirteen of this act, be deemed qualified, and such diploma shall be a certificate of qualification, to teach in any common school of this state, and as such, shall have the full force and effect of a first grade certificate, until annulled by the superintendent of public instruction.

Repeal.

SECTION 15. Chapter twenty-two of the revised statutes of 1858, and the acts amendatory thereof, and chapter 537 of the general laws of 1865, shall be so construed and understood as to carry out the provisions of this act; and all acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 16. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1866.

CHAPTER 117.

[*Published April* 25, 1866.]

AN ACT for the protection of persons garnisheed, in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

In case some person other than defendant claims property garnisheed.

SECTION 1. Whenever an issue shall be joined upon the answer of a garnishee, in any court of record of this state, and it shall appear by the answer of the garnishee, or by affidavit, that any other person than the defendant claims the property in the hands of the garnishee, or the indebtedness due from him, or any interest therein, the court may make an order requiring such adverse claimant to appear and assert and maintain his rights in the premises, and may order notice to be given to him in any usual and proper manner; and if the persons so notified shall not appear and maintain their right to said property and indebtedness, they shall be forever barred from asserting any claim thereto; and the garnishee may, under the order of the court, deposit the amount of his indebtedness with the clerk of the court where the action is pending, or deliver the property to such person as the court may direct; and such garnishee shall thereupon be released from any further liability to any person on account thereof.

SECTION 2. This act shall take effect from and after its passage.

Approved April 12, 1866.

CHAPTER 118.

[*Published April* 25, 1866.]

AN ACT to authorize town, city and village treasurers to perform certain duties in reference to tax receipts and certificates.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Treasurer to keep tax receipt stub-book.

SECTION 1. All town, city and village treasurers are by this act required to keep a tax receipt stub-book, to be furnished and paid for out of the town, city or village fund, the form of the said tax receipt stub-book to be furnished by the clerk of the board of supervisors of each county; and it shall be the duty of the said treasurers to file said stub-books with the town, city or village clerk.

Clerks to cancel stubs, &c.

SECTION 2. It shall be the duty of said clerks to cancel said stubs with red ink, and they shall keep the same on file, the same as other records in their respective offices, and on application they shall give a certified copy of said stub or stubs, and said certified copy shall be evidence the same as the original receipt; and the said clerk shall be entitled to receive 25 cents fee for said certified copy or copies.

Fee for certified copy.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 12, 1866.

CHAPTER 119.

[*Published April* 25, 1866.]

AN ACT to provide for certain deficiencies in the law department of the state library.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Governor to procure reports, &c.

SECTION 1. The governor is hereby authorized to procure for the state library such volumes of English or American reports, statutes, parliamentary debates, or digests, published before the year 1860, as may be

certified to him by the chief justice of the supreme court to be necessary or desirable for the purposes of said library.

Payment therefor.

SECTION 2. On the presentation to him of bills for such books, with the approval of the governor indorsed thereon, and a certificate of the state librarian that the books have been received in good condition at the state library, the secretary of state is authorized to audit such bills, and to issue warrants for the amounts thereof upon the state treasurer, in favor of the persons of whom such books are purchased, or the person authorized to receive payment therefor: *provided*, that the whole amount to be paid from the state treasury under the provisions of this act, shall not exceed six hundred dollars in any one year; *and provided, further*, that the authority conferred by this act upon the governor and secretary of state, shall cease and determine at the end of two years from the passage thereof.

Limit to amount and time.

Future purchase of books.

SECTION 3. No books shall hereafter be purchased for the state library, except law books of reference, and works on political science and statistics.

Appropriation.

SECTION 4. There is hereby appropriated from any moneys in the state treasury not otherwise appropriated, an amount sufficient to pay the expenditures authorized by this act.

Approved April 12, 1866.

CHAPTER 120.

[*Published April* 16, 1866.]

AN ACT to amend section one of chapter 160 of the general laws of 1859, entitled "an act to prescribe and limit the rate of interest."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

10 per cent. may be agreed upon.

SECTION 1. Section one of chapter 160 of the general laws of 1859, entitled "an act to prescribe and limit the rate of interest," is hereby amended, by inserting therein, after the words "shorter time," which occur in said section, the following words, to wit: "but

it shall be competent for parties to contract for the payment and receipt of a rate of interest not exceeding ten dollars on the one hundred dollars, as aforesaid, in which case such rate exceeding seven dollars on the one hundred dollars, shall be clearly expressed in writing;" so that said section one as amended, will read as follows, to wit: "Section 1. The rate of interest upon the loan or forbearance of any money, goods or things in action, shall be seven dollars upon the one hundred dollars, for one year, and after that rate for a greater or less sum, or for a longer or shorter time; but it shall be competent for parties to contract for the payment and receipt of a rate of interest not exceeding ten dollars on one hundred dollars, as aforesaid, in which case such rate exceeding seven dollars on one hundred dollars, shall be clearly expressed in writing."

Repeal.

SECTION 2. All acts or parts of acts so far as the same conflict with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect from and after its passage and publication.

Approved April 12, 1866.

CHAPTER 121.

[*Published April* 25, 1866.]

AN ACT to provide for the sale of the agricultural college lands.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Agricultural college lands to be offered for sale.

SECTION 1. It is hereby made the duty of the commissioners of school and university lands, to immediately offer for sale at public auction, all lands known as agricultural college lands; said sale to be governed by the laws now in force governing the sale of school and university lands, so far as the same shall be applicable to and not inconsistent with the provisions of this act.

Minimum price.

SECTION 2. The minimum price at which said lands shall be offered for sale, shall be one dollar and twenty-five cents per acre, and at least one-fourth of the purchase money shall be paid at the time of purchase; and

Credit may be given on part of purchase money.

the commissioners may, in their discretion, require a greater portion or the whole of the purchase money to be paid at the time of purchase. A credit of ten years shall be given on the unpaid purchase money, with interest at the rate of seven per cent. per annum, which interest shall be payable at the same time that the interest on school lands is now required to be paid; and all laws now in force imposing penalties for non-payment of principal or interest, and providing for the forfeiture and sale of school lands, are hereby extended and made applicable to said agricultural college lands.

Agricultural college fund.

SECTION 3. The moneys received on account of the sales of such lands, shall be known as the agricultural college fund, and shall be invested by the commissioners of school and university lands in stocks of the state or of the United States.

Application of laws.

SECTION 4. All laws for the protection of school lands are hereby extended and made applicable to the protection of said agricultural college lands.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1866.

CHAPTER 122.

[*Published April* 25, 1866.]

AN ACT to amend section thirty-two of chapter seventy-nine of the revised statutes, "of railroads."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Cause may be tried against railroad before a judge who is a stockholder.

SECTION 1. Section thirty-two of chapter seventy-nine of the revised statutes of this state, is hereby amended, so as to read as follows: "No justice of the supreme court, or judge of any circuit or county [court,] before whom any action or matter shall be pending on appeal, writ of error or otherwise, shall be disqualified from sitting as a justice or judge in such action or matter, or from hearing, trying and deciding the same, for the reason that such justice or judge is a stockholder in such railroad company."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1866.

CHAPTER 123.

[*Published April* 25, 1866.]

AN ACT to amend section one of chapter 285 of the general laws of 1861, entitled "an act to amend section 112 of chapter 19 of the revised statutes, entitled 'of highways, bridges and ferries.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter two hundred and eighty-five of the general laws of the year eighteen hundred and sixty-one, entitled "an act to amend section one hundred and twelve of chapter nineteen of the revised statutes, entitled 'of highways, bridges and ferries,'" is hereby amended, so that said section one will read as follows: "Section 1. Said section is hereby amended, so as to read as follows: 'Every person who shall obstruct any meandered navigable stream in this state, by felling any tree or trees therein, or by placing any refuse lumber, slabs or other substance calculated to impede the free navigation thereof, either in such stream or in any tributary of said stream, so that the same shall float into such meandered navigable stream, or by the construction or maintenance, or aiding or assisting in the construction or maintenance, of any boom not authorized by the laws of this state, shall forfeit for each such offense, and for each day the navigation of such stream shall be obstructed by such boom, the sum of twenty-five dollars, one-half to the informer and one-half to the treasury of the county where such offense may be committed; and every person damaged by such offense, may sue for and collect such penalty, by civil action, in the circuit court of the county where such offense may have been committed, and may in the same action sue for any special damages he may have sustained by reason of the offense complained of in said action. The

Penalty for obstructing navigable rivers, &c.

plaintiff in such action shall be the informer, and the defendant the person alleged to have committed the offense; and if the offense be found and adjudged to have been committed, as alleged in the complaint, the plaintiff shall recover costs of the defendant; otherwise, the defendant shall recover costs of the plaintiff. The verdict or finding in such action shall state, first, whether or not such offense has been committed, as alleged in the complaint, and if so committed, second, the amount of special damage which the plaintiff has sustained thereby.' "

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1866.

CHAPTER 124.

[*Published April* 25, 1866.]

AN ACT to amend section 13 of chapter 175 of the revised statutes, entitled "of proceedings to prevent the commission of crime."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Proceedings on appeal.

SECTION 1. Section 13 of chapter 175 of the revised statutes, is hereby amended, by inserting after the word "prosecuted," in the second line of said section, the words, "shall without a jury examine witnesses, and hear and determine such charge, in the same manner as prescribed for the examining magistrate, and"

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1865.

CHAPTER 125.

[*Published April* 25, 1866.]

AN ACT relating to evidence in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. A certificate substantially in the following form: Register's certificate *prima facie* evidence.

"REGISTER'S OFFICE, ———, 18—.

"I hereby certify, that from the books and records of the United States land office at ———, Wisconsin, it appears that Mr. ———, on the —— day of ———, 18—, at ———, entered, purchased and paid for —— of section ——, township ——, north of range ——, containing —— acres. Dated ———, 18—.

"———, Register,"

shall be received in all courts and places as *prima facie* evidence of the facts therein contained.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 12, 1866.

CHAPTER 126.

[*Published April* 25, 1866.]

AN ACT to amend chapter 445 of the general laws of 1864, "an act to guard against the abuse of the elective franchise, and to preserve the purity of elections, by a registration of electors."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2 of chapter 445 of the general laws of 1864, is hereby amended, by striking out of said section the following words where they occur, viz.: "In making said list, the board shall enter thereon, in addition to the names on the poll list, the names of all other persons who are well known to them to be electors in said district, and" Amendment.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1866.

CHAPTER 127.

[*Published April 16, 1866.*]

AN ACT to provide for a revision of the laws in relation to the assessment and collection of taxes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Governor may appoint commissioners to revise assessment and collection laws.

SECTION 1. The governor of this state is hereby authorized and required to appoint three commissioners for the purpose of revising the laws for the assessment and collection of taxes, which commissioners shall be appointed within one month after the passage of this act: *provided*, that if any commissioner so appointed shall refuse or neglect to act, or die, or become in any manner disqualified for the performance of his duties as such commissioner, the governor may fill the vacancy by appointment at any time.

When commissioners to enter upon their duties &c.

SECTION 2. The commissioners so appointed shall meet at such places as they may agree upon, not more than sixty days after the date of their appointment, to enter upon the discharge of their duties. Any two of said commissioners shall constitute a quorum, and they shall meet from time to time as the proper discharge of their duties hereby imposed may require.

To codify laws, and make report to next legislature.

SECTION 3. It shall be the duty of said commissioners to revise and codify the existing laws of this state in relation to the assessment and collection of taxes, and report the same to the legislature of the state at its next annual session; to report therewith such alterations and amendments as in their opinion are necessary to render said laws consistent throughout, and make their construction clear, definite and certain, and to report such changes and modifications and amendments as in their judgment will tend to secure greater uniformity, and prevent frauds and evasions in the assessment and collection of taxes. They may also,

May report new bill.

if in their opinion the objects aforesaid can be better secured thereby, report a bill as a substitute for the present laws for the assessment and collection of taxes, containing such provisions consistent with the constitution of this state, and public economy, as they may deem best adapted to secure the objects aforesaid.

To have free access to records, &c.

SECTION 4. The said commissioners shall have free access to the records and documents in the several departments of the state, and in the public offices of any county, city or town therein. They may investigate and report upon the workings of the existing laws in this state, and may examine into systems adopted, and the practical workings of the same, in other states, and seek from all available sources such information as will aid them in the performance of their duties.

May examine systems adopted by other states.

Compensation.

SECTION 5. The said commissioners shall each receive as compensation, the sum of five dollars per day for each day actually employed in the performance of the duties aforesaid, and their actual necessary expenses incurred therein.

Appropriation.

SECTION 6. The accounts of said commissioners for their services and expenses, shall be audited by the secretary of state, and paid from the state treasury; and there is hereby appropriated out of any moneys not otherwise appropriated, such sum as may be necessary for paying said accounts.

SECTION 7. This act shall take effect and be in force from and after its passage.

Approved April 12, 1866.

CHAPTER 128.

[*Published April* 25, 1866.]

AN ACT to regulate the number of jurors to be drawn in this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Number of persons to be selected as jurors.

SECTION 1. The number of names of persons selected by the several boards of supervisors in this state, to serve as petit jurors hereafter, shall be one hundred

and forty, and the number to serve as grand jurors, shall be seventy-five: *provided*, that if in any county in this state the supervisors shall not be able to select the number of names required by this section for grand and petit jurors, they shall select a less number, and the highest number possible.

Less number may be selected.

Number of petit and grand jurors.

SECTION 2. Hereafter the names of thirty-six persons shall be drawn, to serve as petit jurors, and the names of seventeen persons to serve as grand jurors: *provided*, that the county board of supervisors in any county, when in their judgment it shall be deemed for the interest of the county, shall have power, by resolution, to limit the number of petit jurors to be drawn in such county, to any number not less than sixteen.

Petit jurors may be reduced.

At least twelve jurors to concur in indictment.

SECTION 3. There shall not be more than seventeen nor less than fifteen persons sworn on any grand jury in this state, and twelve at least of such jurors shall concur before any bill of indictment shall be found, or presentment made by such grand jury.

Revived.

SECTION 4. Section eight of chapter 118 of the revised statutes, prescribing the manner of drawing jurors, is hereby revived and declared to be in full force, except as modified by the provisions of this act; and chapter 209 of the laws of (*A. D.*) 1860, and chapter 196 of the laws of 1861, are hereby repealed.

Repealed.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved April 12, 1866.

CHAPTER 129.

[*Published April* 25, 1866.]

AN ACT in relation to costs in the supreme court.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Costs in supreme court to be added to prior costs.

SECTION 1. All costs that shall be awarded by the supreme court on overruling a motion for rehearing, shall be added to the costs taxed or taxable in the cause, and execution may issue for the sum total thereof; and

when a motion for a rehearing shall be sustained, the costs of the same shall abide the event of the cause, and be taxed against the losing party, as part of the costs in the cause.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1866.

CHAPTER 130.

[*Published April* 28, 1866.]

AN ACT to amend section 12 of chapter 141 of the revised statutes, concerning actions for the recovery of real property.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When plaintiff, if action be against several defendants, to elect against which he will proceed.

SECTION 1. Section twelve of chapter one hundred and forty-one of the revised statutes of this state, is hereby amended, so as to read as follows: "When the action is against several defendants, if it appear on the trial that any of them occupy distinct parcels in severalty or jointly, and that other defendants possess other parcels in severalty or jointly, the plaintiff shall elect, at the trial, against which he will proceed on such trial, which election shall be made before the evidence in the cause shall be deemed closed, and a separate trial or trials shall thereupon be awarded, as to the other defendant or defendants in such actions, who so hold any distinct parcel or parcels in severalty or jointly; and several judgments shall be rendered on the verdicts found in such actions, according to the rights and interests of the parties."

Repeal.

SECTION 2. All acts or parts of acts, the provisions of which conflict with this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1866.

CHAPTER 131.

[*Published April* 28, 1866.]

AN ACT to enable the boards of supervisors of the towns in this state, to repair bridges in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May repair bridges, and put amount into next tax list.

SECTION 1. It shall be lawful for the supervisors of any town in this state, whenever bridges need repairs in their towns, and not a sufficient amount of money has been provided by the town for such purposes, to repair or cause to be repaired said bridges to an amount not exceeding five hundred dollars in any one year; and it shall be the duty of the clerk of said town to put the amount so expended into the next tax list, and it shall be collected, returned and disbursed in the same manner as other contingent funds of the town.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1866.

CHAPTER 132.

[*Published April* 25, 1866.]

AN ACT to vest the title of unredeemed lands in counties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When title shall vest in county.

SECTION 1. Whenever any lot or tract of land shall be or shall have been for five successive years sold for taxes, and bid in for the county, and remain unredeemed, the title thereof shall absolutely vest in the county where such lot or tract of land is situate, and when so vested, shall not be liable to assessment for taxes of any kind or description.

Lands may be sold.

SECTION 2. The county board of supervisors shall have full authority to sell and convey any and all such lands, the title to which has become vested in the county,

on such terms as they shall deem proper, and the proceeds therefrom shall be paid into the general or contingent fund of the county.

SECTION 3. Nothing herein contained shall be so construed as to apply to lands owned by minors, or persons who are *non compos mentis*, insane, or under guardianship: *provided*, that the provisions of this act shall not apply to any tax certificate now issued, until two years from and after the passage and publication of this act. Construction.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1866.

CHAPTER 133.

[*Published April* 28, 1866.]

AN ACT to amend section 4, chapter 166, revised statutes, entitled "of forgery and counterfeiting."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section four of chapter 166 of the revised statutes, is hereby amended, so as to read as follows: "Section 4. Every person who shall make, alter, forge or counterfeit any bank bill, treasury note, promissory note, draft, bond, or other evidence of debt issued by the United States, or any corporation or company duly authorized for that purpose by the laws of the United States, or of any state of the United States, or of any territory of the United States, or of any other state, government or country, with intent to injure or defraud, shall be punished by imprisonment in the state prison, not more than five years nor less than one year." Forging bank notes, &c.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1866.

CHAPTER 134.

[*Published April* 28, 1866.]

AN ACT to provide for the punishment of certain offenses against log-owners.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Penalty for turning into boom or manufacturing logs of other persons.

SECTION 1. If any owner, lessee or other person in the occupancy and possession of any boom or booms in the navigable waters of this state, shall knowingly turn or admit into their said boom or booms—or if any owner, lessee, operator or other person in the occupancy and possession of any lumber or shingle mill in this state, shall knowingly manufacture into lumber, timber, pickets or shingles—any log or logs not his own, and having thereon the mark or brand of the owner or owners thereof, without the consent of such owner or owners, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished, if the value of such logs shall exceed one hundred dollars, by imprisonment in the state prison, not more than three years nor less than six months, and if the value of such logs shall not exceed one hundred dollars, by imprisonment in the county jail, not more than one year nor less than thirty days, or by fine not exceeding three hundred dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 12, 1866.

CHAPTER 135.

[*Published May* 1, 1866.]

AN ACT to provide for the publication of certain collections of the state historical society, and for other purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Two thousand copies of the reports and collections of the state historical society of Wisconsin, shall be printed by the state printer, on the best quality of book paper, weighing not less than fifty pounds to the ream, for the use of the society in effecting its literary exchanges; such publication to be under the supervision and approval of the publication committee of the society, and of the governor and secretary of state, and to commence not sooner than 1867, and not to exceed one hundred and fifty pages in any one year, except for some cause satisfactory to the governor and secretary of state, the publication had been intermitted the preceding year; so that in each period of three years, the annual parts, successively paged, shall form a volume not exceeding four hundred and fifty pages, including the title page and full index; which parts shall be stitched and covered with a good quality of glazed paper. Printing of report of 150 pages per year, for three years, authorized.

SECTION 2. The governor, secretary of state and state treasurer (*be and they*) are hereby constituted *ex officio* members of the executive committee of the state historical society, to represent the state therein, and have a watch-care of its interests, as provided in section three, chapter eighty-one of the revised statutes, and of chapter three hundred and twenty-seven of the general laws of 1860. Certain state officers *ex officio* members of executive committee.

SECTION 3. This act shall be in force from and after its passage.

Approved April 12, 1866.

CHAPTER 186.

[*Published April* 28, 1866.]

AN ACT relating to issues, mode of trial and judgment in civil actions, and amendatory of section 36 of chapter 132 of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Judgment—when and how docketed

SECTION 1. Section 36 of chapter 132 of the revised statutes, is hereby amended, by adding to said section, after the word "rendered," in the 12th line thereof, the following: "*provided*, that in cases where the collection of the judgment or the sale of the real estate upon which the same may be a lien, shall be delayed or prohibited by law, the time of such delay or prohibition shall not be taken or counted as any part of the said ten years."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 12, 1866.

CHAPTER 187.

[*Published April* 28, 1866.]

AN ACT to amend section 54 of chapter 19 of the revised statutes, relating to highways and bridges.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Road not to be laid through orchard, &c. without consent of owner.

SECTION 1. Section fifty-four of chapter nineteen of the revised statutes, is hereby amended, so as to read as follows: "Section 54. No public or private road shall be laid out through any orchard or garden, without the consent of the owner thereof, if such orchard have been set out two years or more, or if such garden have been cultivated as such two years or more; nor shall any such road be laid out through any buildings, or any fixtures or erections used for educational or chaitable purposes, or for the purposes of trade or manufactures, or any yards or inclosures necessary to the use and en-

joyment of any such buildings, fixtures or erections, without consent of the owner."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1866.

CHAPTER 138.

[*Published April* 28, 1866.]

AN ACT to amend section 1 of chapter 24 of the session laws of 1863, entitled "an act to amend section 55 of chapter 137 of the revised statutes, entitled 'of evidence.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Examination may be taken before court commissioner.

SECTION 1. Section one of chapter twenty-four of the general laws of 1863, entitled "an act to amend section fifty-five of chapter one hundred and thirty-seven of the revised statutes, entitled 'of evidence,'" approved March 10, 1863, is hereby amended, by inserting the words "or court commissioner," after the words "county judge," where they occur in the seventh line from the top in said section; also, by inserting the words "or court commissioner," after the word "judge," in the eighth line from the bottom of said section.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1866.

CHAPTER 139.

[*Published April* 28, 1866.]

AN ACT to amend section one, chapter seventy-five (75) of the revised statutes, entitled "of the incorporation of mutual, saving, trust, loan and building associations."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendment.

SECTION 1. Section one of chapter seventy-five (75) of the revised statutes, is hereby amended, by inserting after the word "purchased," where it occurs in said section, the following: "or for the purpose of building and keeping in repair a hall to be used for holding political, religious, temperance or scientific discussions in, and all meetings that will tend to promote the best interests and general intelligence of the people."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 12, 1866.

CHAPTER 140.

[*Published May* 1, 1866.]

AN ACT to amend sections 3 and 5 of chapter 203 of the general laws of 1859, entitled "an act to amend chapter 10 of the revised statutes, 'of state officers,' and chapter 23 of the revised statutes, 'of common schools.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to state superintendent for traveling expenses.

SECTION 1. Sec. 3 of chap. 203 of the general laws of 1859, is hereby amended, so as to read as follows: "There is hereby appropriated annually to the superintendent of public instruction, out of any money in the treasury not otherwise appropriated, the sum of one thousand dollars, to defray the traveling expenses in making official visits, as required by law; said appropriation to be drawn in such sums and at such times as the state superintendent may elect."

Clerk hire.

SECTION 2. Section 5 of chap. 208 of the general laws of 1859, is hereby amended, so as to read as follows: "Section 75 of chap. 10 of the revised statutes is hereby amended, by striking out the words 'six hundred dollars,' for defraying the expenses of clerk hire, and inserting the words 'one thousand dollars.'"

Repeal.

SECTION 3. All acts or parts of acts contravening the provisions of this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 12, 1866.

CHAPTER 141.

[*Published April* 28, 1866.]

AN ACT to amend sections 32 and 39 of chapter 538 of the general laws of 1865, relating to the assessment and collection of taxes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Real and personal property not assessed the year before, to be doubly assessed.

SECTION 1. All that part of section thirty-two of said chapter 538 of the general laws of 1865, commencing with and following the words, "And if the assessor shall discover," to the end of the section, is hereby so amended, as to read as follows: "And if the assessor shall discover that any real or personal property which was subject to taxation has not been assessed, or for any other cause any portion of the real or personal property escaped taxation for the last preceding year, it shall be the duty of the assessor to include the property which has so escaped taxation, in his assessments, by listing such property at twice its real value. And if the assessor shall discover that any tracts, parcels or lots of land which have been assessed together as one parcel of land, for the last preceding year, ought to be assessed in separate parcels, it shall be his duty to list and assess the same in separate parcels, to the person or persons, corporation or corporations liable to assessment thereon, under the laws of this state; and such assessment so made in separate parcels shall, in respect to all taxes levied thereon or thereafter,

stand in lieu of the assessment of the preceding year; and the said assessor shall also list all new structures of over one hundred dollars in value, which shall not have been previously included in the valuation of the land on which they stand, and shall return the valuation of such new entries, tracts assessed in separate parcels, and new structures, with his return of the valuation of personal property, under the head of 'new entries, separated parcels and new structures.' And the said assessor shall set forth in such return, the parcels of real property on which each of such new structures shall have been made, and the true value added to such real property in consequence of such structure, and such increase added to the former valuation, shall be deemed the true value of such real property."

Assessor's return

SECTION 2. Section 39 of said chapter 538 is hereby so amended, that the last clause thereof shall read as follows: "The assessor shall include in his return, in separate columns, new entries, separated parcels, new structures and structures destroyed, as heretofore provided."

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 21, 1866.

CHAPTER 142.

[*Published April* 28, 1866.]

AN ACT to fix the time of limitation, in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Tax deed to soldier's land may be set aside within three years from his discharge.

SECTION 1. In case any land owned by any person who is or shall have been in the military or naval service of the United States, shall have been conveyed by tax deed by any person authorized by law to convey lands for the non-payment of taxes, such person, his heirs, executors or administrators, may bring any proper action to set aside such tax deed, by complying with the law in such case made and provided, at any time within

three years from the date of his discharge from such service; and the statute of limitation shall in no such case be deemed to have commenced to run in favor of any person claiming title under any tax deed executed on land owned by such person or persons so in the military or naval service, until the day of the date of such person's discharge: *provided*, said land was sold for taxes during the time each [such] owner was in the service of the United States during the late war, and deeded under such sale. Proviso.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1866.

CHAPTER 143.

[*Published April* 28, 1866.]

AN ACT to amend the general banking law of this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Any bank or banking association organized under the general banking law of this state, desirous of redeeming and winding up its circulation without discontinuing the business of banking, is hereby authorized to redeem and wind up its circulation in the same manner, in all respects, as is provided in said law for banking associations desirous of discontinuing the business of banking; but such redemption, deposit and publication of notice shall in no wise release such bank from the payment of taxes to the state, or in any manner affect the chartered rights of such bank or banking association. How bank may redeem and wind up its circulation.

SECTION 2. It shall be lawful for any bank or banking association organized and doing business under the general banking law of this state, to demand and receive for loans and discounts, such rate of interest as shall be allowed by law to be taken and received by individual citizens, and by corporations other than banking associations in this state. Interest on discounts.

Approved April 12, 1866.

CHAPTER 144.

[*Published May* 1, 1866.]

AN ACT to amend chapter 109 of the general laws of 1864, entitled "an act to authorize the county of Brown to issue bonds for the erection of county buildings."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioners to aid in the erection of county buildings.

SECTION 1. Chapter 109 of the general laws of 1864, entitled "an act to authorize the county of Brown to issue bonds for the erection of county buildings," is hereby amended, by adding to the last line of section five the words, "Andrew Ried and E. Holmes Ellis are hereby continued as such commissioners, to co-operate with said county supervisors in the erection of said buildings, until the same are fully completed and accepted by them."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 12, 1866.

CHAPTER 145.

[*Published April* 28, 1866.]

AN ACT to amend chapter 183 of the revised statutes, entitled "of offenses cognizable before justices of the peace."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Willfully molesting public worship, &c.

SECTION 1. Section six of chapter 183 of the revised statutes, is hereby amended, so that it will read as follows: "Section 6. Every person who shall, at any time, willfully interrupt or molest any assembly of people met for the worship of God, or any member thereof, or any persons when meeting or met together for the performance of any duties enjoined on or appertaining to them as members of any religious society, or any wedding party, or other company or assembly of peaceable citizens, or for the recitation or performance of or instruction in vocal music, within the place of such

meeting or out of it, shall be punished by fine not exceeding twenty dollars, nor less than five dollars."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 12, 1866.

CHAPTER 146.

[*Published April* 28, 1866.]

AN ACT to annex certain territory in the county of Ashland to the county of La Pointe, and to change the name of the county of La Pointe to that of Bayfield.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Part of Ashland county annexed to La Pointe county.

SECTION 1. All the territory now in the county of Ashland, known and described as townships forty-eight (48) and forty-nine (49,) of range (5) five west, and all of the fractional parts of townships forty-eight (48) and forty-nine (49,) of range four (4) west, situated on the west side of Long Island bay, are hereby detached from the county of Ashland, and annexed to the county of La Pointe.

Name of La Pointe county changed to that of Bayfield.

SECTION 2. The name of the said county of La Pointe is hereby changed to that of Bayfield, and the said county of La Pointe shall hereafter be known and designated as the county of Bayfield.

SECTION 3. This act shall take effect and be in force from and after the first day of May, one thousand eight hundred and sixty-six.

Approved April 12, 1866.

JOINT RESOLUTIONS.

NUMBER 1.

JOINT RESOLUTION in regard to the construction of a ship-canal from Portage lake to Lake Superior.

WHEREAS, The construction of the proposed railroads from Hudson to Bayfield, and from Saint Paul to Superior city, are progressing, and when completed will open the agricultural districts of our state to the markets of the east, by water communication by way of the lakes, thus encouraging one of our most productive sources of domestic income;

AND WHEREAS, the improvement of the navigation of Lake Superior becomes important to us as a means of promoting the interests of producers and consumers, of increasing the commerce of the lakes, encouraging the industry of our citizens, and adding to the wealth of Wisconsin and the nation: Therefore,

Resolved by the assembly, the senate concurring, That it becomes our duty to approve and commend the devotion of time, talent, skill and labor, and the expenditure of capital, to facilitate the transit of vessels over these waters, to remove natural obstructions by the appliances of art, to designate to navigators the dangers of the voyage, and show how they may be avoided, to shorten the distance by the proper observations of the true channels, to mark out new routes by which time and distance may be saved, and by all proper means to extend and enlarge the commerce of these great inland seas, which are to us of the west what the ocean is to our fellow-countrymen of the Atlantic states.

Resolved, That the construction of a ship-canal across the base of Kewenau Point, from Lake Superior to Portage lake, will promote these objects, and we declare our approval of that measure as one of great public usefulness, worthy of our encouragement and designed to promote the general welfare.

Resolved, That our senators and representatives in congress be requested to aid by all judicious and wise measures, by a grant of public lands, and such means as their judgment may approve, the

speedy completion of the Portage lake and Lake Superior ship-canal.

Resolved, That the governor be requested to forward to each of our senators and representatives in congress, a copy of the foregoing preamble and resolutions.

Approved February 21, 1866.

NUMBER 2.

RESOLUTIONS expressing the approbation of the legislature of congress, in passing the "freedman's bureau bill," and in excluding representation from the rebellious districts.

Resolved by the senate, the assembly concurring, That while we remember with gratitude the noble and devoted patriotism manifested by President Johnson during the dark days of the rebellion, we should be guilty of deceiving him and misrepresenting our constituents, if we failed at this time to declare that his message vetoing the "freedman's bureau bill," in its general tone and spirit, has caused pain and disappointment among his true friends and supporters in our state, and has been hailed with exuberant joy and exultation by every man who sympathized with the rebellion, or who was cold and indifferent when treason threatened the life of the republic.

Resolved, That we most cordially indorse and approve of the action of such of our senators and representatives in congress as firmly and consistently supported the "freedman's bureau bill," and who have persistently asserted the right of congress to determine for itself when and in what manner it will admit representatives form states where the state governments have been disorganized by rebellion; and we earnestly request them to firmly resist the admission of representatives to congress from such disorganized states, until peace is fully secured, and until the people of such states shall have positively guaranteed equal and exact justice to all men within their borders.

Resolved, That his excellency, the governor, is hereby respectfully requested to forward a copy of these resolutions to the presiding officer of each branch of congress, to the president of the United States, and to each of the senators and representatives in congress from this state.

Approved March 2, 1866.

NUMBER 3.

JOINT RESOLUTION relative to ratifying the amendment to the constitution of this state.

WHEREAS, The legislature of 1865, by a joint resolution, proposed and adopted an amendment to the constitution of this state, being in the following words:

"*Resolved by the senate, the assembly concurring*, That section 21 of article 4 of the constitution of the state of Wisconsin, be amended, so as to read as follows: 'Section 21. Each member of the legislature shall receive for his services three hundred and fifty dollars per annum, and ten cents for every mile he shall travel in going to and returning from the place of the meetings of the legislature, on the most usual route. In case of an extra session of the legislature, no additional compensation shall be allowed to any member thereof, either directly or indirectly.'—Approved April 8, 1865:" Therefore,

Resolved by the senate, the assembly concurring, That the foregoing proposed amendment to the constitution of this state, is hereby agreed to and ratified by this legislature.

Approved March 28, 1866.

NUMBER 4.

JOINT RESOLUTION instructing our senators and members of congress to procure the necessary legislation to change the route of the land-grant road from Portage to Superior.

Resolved by the assembly, the senate concurring, That our senators and representatives in congress are hereby requested to secure the passage by congress, at the earliest practicable moment, of a joint resolution or law giving the approval and consent of the congress to the route prescribed in the act incorporating the Portage and Superior railroad company for the land-grant road, as follows: From Portage, by way of Ripon and Berlin and Stevens Point, to Bayfield, and thence to Superior, on Lake Superior; and authorizing and directing the selections and application of so much of the public lands granted to the state by the third section of the act entitled "an act granting lands to aid in the construction of certain railroads in the state of Wisconsin," approved May 5th, 1864, as are applicable to the construction of said road between Portage and Stevens Point, to the construction of the said railroad upon

the route above described, in like manner, to the same extent and with the same effect as if the said route above described had been specifically prescribed in the said act of congress.

Approved April 5, 1866.

NUMBER 5.

JOINT RESOLUTION relating to the construction of the Portage and Superior railroad.

Resolved by the assembly, the senate concurring, That our senators and representatives in congress are hereby requested to secure the passage of an act of congress, at the earliest practicable moment, amending an act entitled "an act granting lands to aid in the construction of certain railroads in the state of Wisconsin," approved May 5th, 1864, and providing for their application to the construction of a railroad as in said act of congress directed, so as to grant to and confer upon the Portage and Superior railroad company an equal quantity of land, mile for mile, to aid in and to be applied to the construction of a railroad from Fond du Lac city, in the county of Fond du Lac, to Ripon, in the county of Fond du Lac, as granted by the said act of congress for the construction of the said railroad from the city of Portage to Bayfield and Superior, as is provided in the act incorporating said Portage and Superior railroad company.

Approved April 5, 1866.

NUMBER 6.

JOINT RESOLUTION of the legislature of the state of Wisconsin, submitting the question of a constitutional convention to the people of this state.

Resolved by the assembly, the senate concurring, That in the opinion of the legislature of this state, a revision of the constitution of this state is desirable, to more thoroughly adapt it to the present wants and demands of the people of this state.

Resolved, further, That the question of a "convention," or "no convention," be submitted to the electors of this state, at the next general election. Said question shall be taken by ballot, on a sepa-

rate piece of paper from the general ballot, and shall be deposited in a separate box, to be provided for that purpose. Such ballot shall have inscribed thereon the words "for convention," or "no convention," and the returns and canvass of votes cast on said question, shall be made in all respects as the returns and canvass of votes for state officers are now made; and if a majority of all the votes cast on the subject shall be in favor of a convention, then it shall be the duty of the state canvassers to make proclamation of the vote, with their determination thereon, and it shall also be the duty of the next legislature to provide for the election of members to said convention, and for the holding thereof.

Resolved, further, That it shall be the duty of the secretary of state to give notice to the electors of the state of the passage of these resolutions, by incorporating them in the notice to be given by him for a general election in November next.

Approved April 6, 1866.

NUMBER 7.

JOINT RESOLUTION in regard to an artesian well in the capitol park.

WHEREAS, It is highly important that the facilities for obtaining water in the capitol building and the surrounding park, be considerably increased, not only for the purpose of accommodating the necessities of the building, and in a dry season watering the trees and shrubs in the park, but also for supplying the more important demand of furnishing an unfailing supply of water in case the building should take fire;

AND WHEREAS, It is a well-established fact that fountains of flowing water have been procured in different parts of this state, wherever they have been sought for, at a depth not exceeding 300 feet, and that there is the same reason to believe that a like success would reward an effort of the same character in the capitol park: Therefore,

Resolved by the assembly, the senate concurring, That the superintendent of public [property] be hereby instructed to procure the sinking of an artesian well, so called, at some convenient point in the capitol park, at an early day as practicable.

Resolved, further, That the object contemplated by the foregoing resolution, shall be done under the supervision of the governor, and that no expense or liability shall be incurred in the matter, unless he shall be satisfied, after investigating the subject, that there is a good prospect of success.

Approved April 12, 1866.

NUMBER 8.

JOINT RESOLUTIONS declaring it to be the duty of Senator Doolittle to resign the office of United States senator.

WHEREAS, The reorganization of government among the people lately in rebellion against the United States, upon such a basis as will secure to all the people of the United States the benefits of our free government and institutions, and protection against the recurrence of events which have made up the past five years of our national history, is a duty of the highest and first importance now devolving upon congress;

AND WHEREAS, Congress has, since its assembling in December last, been earnestly engaged in this great work, and has, to that end, persistently claimed and exercised the right to determine for itself when and upon what conditions the lately rebellious people shall be permitted to be represented in congress as inhabitants of states within the union, and in the exercise of that right, has denied the present right of said people to such representation, and among other acts has favored a bill known as the freedman's bureau bill, and another known as the civil rights bill, both having for one of their principal objects the protection of the freedmen against oppression at the hands of the late rebels;

AND WHEREAS, After the civil rights bill passed the senate, Hon. J. R. Doolittle, who was absent from his seat at the time, declared in his place his approval of the bill, in the following unequivocal terms: "Mr. President, I deem it proper to say, in consequence of my not being present when the final vote was taken on Friday, on the bill to protect all persons in the United States in their civil rights, and furnish the means of their vindication, that had I been present, I should have voted in favor of its passage;"

AND WHEREAS, After the president had vetoed the bill, and the question in the senate being upon the passage of the bill, notwithstanding the veto, Senator Doolittle voted against said bill, after having received instructions by joint resolutions passed by this legislature, "to vote for the passage of the senate bill, commonly known as the civil rights bill, the veto of the president to the contrary notwithstanding," not only disregarding his own previously expressed opinion in its favor, but at the same time violating the instructions of the people whom he represented;

AND WHEREAS, Senator Doolittle has from the assembling of congress, so far as occasion has offered, united himself with the president to oppose those measures which have been devised to secure peace, liberty and justice among all the people, and which are specially designed to establish upon sure foundations the principles

for which we contended in the field for four years, and in so doing arrayed himself against the people and their truest representatives in congress: Therefore,

Resolved by the senate, the assembly concurring, That the course of Senator Doolittle in congress, in voting to sustain the president's veto of the freedman's bureau bill, in persistently urging upon congress the immediate right of the inhabitants of the southern portion of the United States, who were lately in rebellion against the government, to be represented in both houses of congress, as *inhabitants* of states, and so advocating the principle that the enemies of the government are as fit to administer its affairs as loyal men are, and, finally, in voting to sustain the president's veto of the civil rights bill, in the face of instructions from this legislature to vote for it, fills us with pain and indignation.

Resolved, That the course of Senator James R. Doolittle upon the great question of the reorganization of goverment among the late rebels, upon the freedman's bureau bill and the civil rights bill, was a desertion of the cause of human rights and republican government, and shows him totally unworthy to occupy any position representing a free people, much less so high an one as the people of Wisconsin in other times have elevated him to; and while it is not contended that we can deprive him of his office of senator, yet we declare it to be his duty to resign his senatorship, in order that the loyal people of Wisconsin may no longer be misrepresented upon the grave questions which are now being decided by the American people.

Resolved, That the governor be requested to forward to each of our senators and representatives in congress, a copy of the foregoing preamble and resolutions.

Approved April 12, 1866.

MEMORIALS.

NUMBER 1.

MEMORIAL to congress in relation to improvement of navigation of the rapids on the Mississippi river.

The memorial of the legislature of the state of Wisconsin, respectfully represents:

That the commerce of that portion of this state in the upper valley of the Mississippi river, is injuriously affected by the rapids in said river.

Your memorialists respectfully ask that provision be made for building a ship-canal around the rapids, or otherwise improving the navigation.

Approved February 16, 1866.

NUMBER 2.

MEMORIAL for additional mail-service in the counties of Shawano and Brown.

To the honorable the postmaster-general of the United States:

The memorial of the legislature of the state of Wisconsin, respectfully represents:

That the interests and convenience of a large number of inhabitants of the counties of Shawano and Brown, in this state, would be greatly enhanced by the establishment of a tri-weekly mail-service between the city of Green Bay and the village of Shawano, over the line of the United States military road. Your memorialists respectfully represent, that the present route whereby the village of Shawano is supplied with mail-service, is entirely inadequate

to the wants of the people, and causes a delay of forty-eight hours in the transmittal or reception of letters from or to the cities of Milwaukee or Chicago. Your memorialists would further ask that said service be established at the earliest practicable period.

Approved March 1, 1866.

NUMBER 3.

MEMORIAL to the postmaster-general for a postoffice and additional mail-service in the counties of Shawano and Waupaca.

To the honorable William Dennison, postmaster-general of the United States:

The memorial of the legislature of the state of Wisconsin, respectfully represents:

That the interests of a large number of inhabitants in the town Pella and its vicinity, in the counties of Shawano and Waupaca, would be greatly enhanced by the establishment of a postoffice in said town, and a mail-route to the village of Shawano, semi-weekly. Your memorialists would further ask that said postoffice be known by the name of "Pella," and the office and route established at the earliest practicable period.

Approved March 1, 1866.

NUMBER 4.

A MEMORIAL to the postmaster-general for increase of mail-service on route No. 13,122, from Kilbourn city, in the county of Columbia, to Plover, in the county of Portage.

Your memorialists would respectfully represent, that by the present arrangement of mail-routes through Adams county, the people residing in the populous southwestern portion of the county, are deprived of a direct mail communication with the county seat of said county; that it would greatly benefit the people of nearly one have [one-half] of the county, by altering and extending mail-route No. 13,122, so that after leaving White Creek it shall pass by Eastern, Friendship, Arcade, Spring Creek, Woodworth, New Rome,

Point Basse and Grand Rapids, to Plover, three times each week, and return; one trip each week to go by way of Roche-a-Cris and Big Flats, omitting Arcade, Spring Creek, Woodworth and Point Basse. Under this arrangement, the distance between Kilbourn city and Plover would be lessened at least ten miles, while the route will pass through and accommodate the most populous portion of the county. Route No. 13,126 could be discontinued between Friendship and Plover, and Quincy supplied by a side mail from White Creek.

Approved March 15, 1866.

NUMBER 5.

MEMORIAL to congress to aid in the construction of the Portage and Superior railroad.

The memorial of the legislature of the state of Wisconsin, respectfully represents:

That in providing for the disposal of the public lands granted to the state of Wisconsin, by the third section of an act of congress entitled "an act granting lands to aid in the construction of certain railroads in the state of Wisconsin," approved May 5th, 1864, and providing for their application to the construction of a railroad, as in said act of congress directed, the legislature have deemed it expedient, and greatly for the interests of the proposed railroad, and the portion of the state of Wisconsin through which the said road is intended to run, as well as for the interest of the state at large, to authorize and require the said Portage and Superior railroad company, which company is charged with the duty of constructing the said land-grant road, to construct a railroad from the city of Fond du Lac, in the county of Fond du Lac, to a point of connection with the main line of said road running from Portage, at and in the city of Ripon; it being provided in the said act, that the said Portage and Superior railroad company shall commence and complete the construction of the said railroad from Fond du Lac to Ripon, simultaneously and at the same time with the commencement and completion of the said road from Portage to Ripon; that the line of road so authorized to be constructed, is about twenty-four miles in length, and will add greatly to the value and usefulness of the main line of said road.

Your memorialists therefore pray the passage of an act of congress so amending the said act of congress as to grant to and confer upon the said Portage and Superior railroad company an equal quantity of lands, mile for mile, to aid in and to be applied to the construction of the said railroad from Fond du Lac to Ripon, as is granted by the said act of congress for the construction of the said railroad from the city of Portage to Bayfield and Superior.

And your memorialists will ever pray, &c.

Approved April 5, 1866.

NUMBER 6.

MEMORIAL to congress for its assent to the route of [the land-grant railroad from Portage to Bayfield, and thence to Superior.

The memorial of the legislature of the state of Wisconsin, respectfully represents:

That by an act of congress entitled "an act granting lands to aid in the construction of certain railroads in the state of Wisconsin," approved May 5th, 1864, certain lands were granted to the state of Wisconsin, for the purpose of "aiding in the construction of a railroad from Portage city, Berlin, Doty's Island or Fond du Lac, as said state" might determine, in a northwestern direction to Bayfield, and thence to Superior, on Lake Superior; that the legislature of the state of Wisconsin, to provide for the execution of the trust imposed upon the state by the said act of congress, in respect to the lands thereby granted, has at the present session incorporated the Portage and Superior railroad company, and authorized the said company to construct a railroad, by the way of Stevens Point, to Bayfield and Superior, and conferred upon said company the lands granted by said act of congress to aid in the construction of so much of the line of said road as extends from Portage to Stevens Point; that the best interests of the state required that the line of said road from Portage city to Stevens Point, should run by the way of Ripon, in the county of Fond du Lac, and Berlin, in the county of Green Lake, and the legislature, in view of that fact, have in the act incorporated [incorporating] the said Portage and Superior railroad company, authorized and required the said company to locate and construct the said railroad on a line running from the said city of Portage, by the way of Ripon, Berlin and Stevens Point, to Bayfield, and thence to Superior, on

on Lake Superior: *provided*, the congress of the United States will give its assent to the said route for said road, prior to the 4th day of March, A. D. 1867.

Your memorialists therefore respectfully pray that the congress of the United States, by resolution or the proper act to be speedily passed, may approve of and assent to the route provided in the act incorporating the Portage and Superior railroad company for the said railroad, as follows: From the city of Portage, in the county of Columbia, by the way of the city of Ripon, in the county of Fond du Lac, and the city of Berlin, in the county of Green Lake, and Stevens Point, to Bayfield, and thence to Superior, on Lake Superior; and authorize and direct the application of the lands granted by said act of congress, to the construction of the said railroad, on the route above described, in the same manner and to the same extent, mile for mile, as if the said route above described for the said railroad, had been fixed and prescribed by the said act of congress.

And your memorialists will ever pray, &c.

Approved April 5, 1866.

NUMBER 7.

MEMORIAL for the establishment of a semi-weekly mail-route from Sumner post-office, in the county of Trempealeau, to Menomonee, in the county of Dunn.

To the honorable the senate and house of representatives of the United States, in congress assembled:

The memorial of the legislature of the state of Wisconsin, respectfully represents:

That the interests and convenience of a large number of the inhabitants of the counties of Eau Claire, Chippewa and Dunn, in this state, would be greatly enhanced by the establishment of a semi-weekly mail-route from Sumner postoffice, in the county of Trempealeau, via the village of Augusta, in the county of Eau Claire, to Chippewa Falls, in the county of Chippewa, thence via Bloomer prairie, in said county of Chippewa, to Menomonee, in the county of Dunn.

Your memorialists would therefore respectfully ask that the said mail-route be established as aforesaid, at the earliest practicable period.

Approved April 5, 1866.

NUMBER 8.

MEMORIAL to congress for a grant of land to aid in the construction of so much of the Winnebago and Superior railroad as extends from Doty's Island to Stevens Point.

To the honorable the senate and house of representatives of the United States:

The memorial of the legislature of the state of Wisconsin, respectfully represents:

That in providing for the disposal of the public lands granted to the state of Wisconsin, by the third section of an act of congress entitled "an act granting lands to aid in the construction of certain railroads in the state of Wisconsin," approved May 5th, 1864, and providing for their application to the construction of a railroad, as in said act of congress directed, the legislature have deemed it expedient, and greatly for the interest of the proposed railroad, and the portion of the state through which it is intended to run, as well as for the interest of the state at large, to authorize and require the Winnebago and Superior railroad company, which company is charged with the duty of constructing said land-grant road, to construct a railroad from Doty's Island, in Winnebago county, to a point of connection with the main line of said road running from Portage, at and in the city of Stevens Point, Portage county; that the line of road so authorized and required to be constructed, is about forty miles in length, and will add greatly to the value and usefulness of the main line of said road.

Your memorialists therefore pray for the passage of an act so amending the said act of congress as to grant to and confer upon the said Winnebago and Superior railroad company an equal grant of lands, mile for mile, to aid in and to be applied to the construction of the said railroad from Doty's Island to Stevens Point, as is granted by the said act of congress for the construction of the said railroad from the city of Portage to Bayfield and Superior.

And your memorialists will ever pray, &c.

Approved April 9, 1866.

NUMBER 9.

MEMORIAL to congress for an equalization of soldiers' bounties.

To the honorable the senate and house of representatives of the United States:

The memorial of the legislature of the state of Wisconsin, respectfully represents:

That the unselfish patriotism and the heroic services of the volunteer soldiers in the war of the rebellion, entitle them to the lasting gratitude of the whole American people; that in the awarding of bounties to volunteers from time to time, during the war, inequalities have occurred, which appear like discrimination between the volunteers as to the degree of patriotism which moved them in the performance of services which cannot be recompensed by money; that in the opinion of your memorialists, it would be more in accordance with justice to the volunteer soldiery, and a more honorable recognition of their services, if the bounties awarded by the government should be so equalized as to be nearly as possible in proportion to the time of actual service.

Approved April 12, 1866.

NUMBER 10.

MEMORIAL to congress for a mail-route from Dodgeville to Avoca, via James' mill, William S. Bean's and Booth Hollow.

To the honorable the senate and house of representatives of the United States, in congress assembled:

The memorial of the legislature of the state of Wisconsin, respectfully represents:

That the interest and convenience of a large population would be greatly enhanced by the establishment of a tri-weekly mail-route from Dodgeville to Avoca, via James' mill, William S. Bean's and Booth Hollow, in the county of Iowa, in the state of Wisconsin, being a distance of about twenty-five miles; and your memorialists therefore respectfully ask that said mail-route be established as herein set forth.

Approved April 12, 1866.

NUMBER 11.

MEMORIAL to the postmaster-general for an increase of mail-service from Madison, Dane county, to Sauk city, in Sauk county, Wisconsin.

The memorial of the legislature of the state of Wisconsin, respectfully represents:

That the semi-weekly mail-service on mail-route No. 18,142, from Madison, in Dane county, to Sauk city, in Sauk county, Wisconsin, is inadequate to the wants and convenience of the people, and the establishment of a tri-weekly mail-service is respectfully asked for over said route.

Approved April 12, 1866.

NUMBER 12.

MEMORIAL to the postmaster-general for a mail-route from Ozaukee, in Ozaukee county, to Saint Nicholas, in Sheboygan county.

To the honorable the postmaster-general of the United States:

The memorial of the legislature of the state of Wisconsin, would respectfully represent:

That the interest and convenience of a large population would be greatly enhanced by the establishment of a semi-weekly mail-route from the village of Ozaukee, in the county of Ozaukee, by way of Holy Cross, in the town of Belgium, to Saint Nicholas, in the county of Sheboygan, a distance of about twelve miles.

Your memorialists would respectfully ask that the said mail-route be established as aforesaid, at the earliest practicable period.

Approved April 12, 1866.

NUMBER 13.

MEMORIAL to congress in relation to a ship-canal through the state of Wisconsin connecting the Mississippi river with the waters of Lake Michigan.

To the honorable the senate and house of representatives of the United States, in congress assembled:

The memorial of the legislature of the state of Wisconsin, respectfully represents:

That by memorial number one, approved January 22d, 1863, and memorial number fifteen, approved April 1st, 1864, and memorial number five, approved February 27th, 1865, we, the legislature of Wisconsin, have represented to your honorable body the practicability, importance and necessity for enlarging the present water-channel through this state, to admit of a uniform steamship navigation from the Mississippi river to Lake Michigan. The facts showing the practicability, importance and necessity for this enlargement, appear in the several memorials aforesaid, to which we most respectfully call your attention.

It is sufficient to add, that in our opinion the necessity for this work, to which your attention has been directed from year to year, is felt more generally throughout the state and throughout the northwest, and the entire country, and is more pressing now than at any previous time.

We therefore respectfully and urgently petition you, at the present session of congress, to appoint competent engineers to make an examination and survey of the water-channel aforesaid, and report to the next session of congress the proper maps and profiles of such survey, with an estimate of the cost of the work required to make the channel aforesaid, of a width and depth to answer the purposes intended, and the requirements of the secretary of war.

Be it therefore resolved by the assembly, the senate concurring, That the governor be and he is hereby authorized and requested to affix his official signature hereto, and forward a copy of this memorial to the president of the United States, the president of the senate, the speaker of the house of representatives, and to each of our senators and representatives in the congress of the United States.

Approved April 12, 1866.

NUMBER 14.

MEMORIAL to congress for a mail-route from Trempealeau to Sumner, in Trempealeau county.

The memorial of the legislature of the state of Wisconsin, respectfully represents:

That the interest and convenience of the inhabitants of the county of Trempealeau, require the establishment of a mail-route from Trempealeau village, in the county of Trempealeau, by the way of Arcadia, Burnside and Hale, to Sumner, in said county.

Your memorialists would therefore respectfully ask that the aforesaid mail-route be established, and that the service on said route be put on at as early a period as practicable.

Approved April 12, 1866.

NUMBER 15.

MEMORIAL to the postmaster-general for a mail-route from Richland Center, Richland county, to De Soto, Vernon county.

To the honorable the postmaster-general of the United States:

The memorial of the legislature of the state of Wisconsin, would respectfully represent:

That the interest and convenience of a large proportion of the inhabitants of Richland and Vernon counties, would be greatly enhanced by the establisment of a weekly mail-route from the village of Richland Center, in Richland county, by way of Boas, Boady's, Rowe's, Yankeetown, Towerville, Rising Sun, Alexander's mill, to De Soto, in Vernon county.

Your memorialists would respectfully ask that the said mail-route be established as aforesaid at the earliest practicable period.

Approved April 12, 1866.

NUMBER 16.

MEMORIAL to the postmaster-general for a weekly mail-route from Huntington, St. Croix county, Wisconsin, to Falls of St. Croix, Polk county, Wisconsin, by the way of Cedar Valley and Lincoln Center, in said county.

The memorial of the legislature of the state of Wisconsin, respectfully represents:

That the interest of a large number of the inhabitants of the counties of St. Croix, Polk and Burnett, requires the establishment of a weekly mail-route from Huntington, in the county of St. Croix, Wisconsin, to the Falls of St. Croix, Polk county, Wisconsin, by the way of Cedar Valley and Lincoln Center, in said county.

Your memorialists therefore respectfully memorialize you to establish such route.

Approved April 12, 1866.

NUMBER 17.

MEMORIAL to congress for the improvement of the harbor at Superior, in the state of Wisconsin.

To the honorable the senate and house of representatives of the United States, in congress assembled:

The memorial of the legislature of the state of Wisconsin, respectfully represents:

That the harbor of Superior furnishes the only safe and convenent place of entrance for vessels at or near the west end of Lake Superior; that a large number of steam and sail vessels, engaged in the commerce of the upper lakes, take and discharge their cargoes at said harbor during the season of navigation, and find it the only place of safe resort in case of storms; that said harbor is spacious and commodious, and has sufficient depth of water for vessels of the heaviest draft to ride in; but the entrance thereto is crooked and obstructed by bars, rendering it difficult at all times to enter, and both unsafe and difficult in rough weather.

Your memorialists believe that an appropriation of fifty thousand dollars would be sufficient to straighten the channel, and render the entrance safe and easy.

They therefore earnestly pray for an appropriation of fifty thousand dollars for that purpose, believing the same called for by the wants of the people and the general wants of commerce.

Approved April 12, 1866.

STATE OF WISCONSIN, } ss.
SECRETARY'S OFFICE, }

The secretary of state of the state of Wisconsin does hereby certify, that the laws, joint resolutions and memorials published in this book, have been compared with the originals, deposited in this office, and that they appear to be correctly printed.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the state, at the capitol, in Madison, this 10th day of July, A. D. 1866.

[L. S.]

THOS. S. ALLEN, *Secretary of state.*

LIST OF APPROPRIATIONS.

Date.	*No.*	*To whom and for what appropriated.*	*Amount.*
Jan. 23	1	S. Farmer and Co., maps	$77 00
23	2	State reform school, indebtedness and current expenses, &c	15,000 00
27	3	A. Warren, ice	127 12
27	4	F. M. Stewart, clerk board of equalization, 1865	50 00
27	5	H. A. Lewis, suit tax and clerk's fees	4 12
27	6	A. Burgess, lumber and sash	37 75
27	7	G. M. Oakley, painting roof east wing	172 40
27	8	J. Livsey, materials and labor on capitol grounds	544 89
30	9	J. M. Haight, cabinet materials	72 15
30	10	C. A. Belden, calendar clock	45 00
30	11	J. W. Harvey, lime	4 50
30	12	Moseley Bro., cord and frames	11 90
30	13	R. L. Garlick, furniture	8 25
30	14	Charles Hammer, mail bags	15 75
Feb. 2	15	W. P. Towers, painting roof capitol	84 30
6	16	Ramsay & Campbell, hardware	794 80
6	17	Bunker & Vroman, lumber	556 10
6	18	S. Klauber & Co., dry goods	327 28
6	19	Pardee & Clark, paints, oils, &c	280 01
6	20	Moseley Bro., stationery	53 35
6	21	W. J. Park & Co., stationery	44 09
6	22	Habich & Co., lumber	253 11
6	23	F. A. Ogden, do	70 68
6	24	Dunning & Sumner, paints and oils	315 55
6	25	C. Schmid, repairing safes, locks, &c	73 95
6	26	John N. Jones, hardware	188 33
7	27	C. H. Luce, lumber	407 00
7	28	Askew Bro.,.....do	4 92
7	29	N. B. Crampton, hardware	143 95
7	30	Thomas Allen, materials and labor	37 25
7	31	S. Klauber & Co., carpets and matting	3,320 64
7	32	B. W. Suckow, binding books, &c	53 78
9	33	J. S. Dean and F. M. Stewart, organizing present session, each $25	50 00
14	34	Thomas Regan, gas fixtures	319 33
14	35	Blair & Persons,.....do	1,401 40
16	36	J. P. Spencer, lime	1 50
16	37	Wm. Kruger, hardware	4 50
16	38	Jungman & Barkhan, repairing chairs	13 55
16	39	S. Klauber & Co., carpets, &c	248 12
17	40	W. H. Smith, ass't surgeon, 5th battery	1,043 27
Mar. 2	41	C. M. Hoyt, board state prisoners	76 25
3	42	Henry Cordier, steam engine for state prison	4,000 00
3	43	.....do.....current expenses state prison	30,000 00
3	44	Adams & Bellenger, brooms	48 00
3	45	Tierney, Veerhausen & Co., wood	2,600 00

Date.	No.	To whom and for what appropriated.	Amount.
Mar. 10	46	M. M. Dorn & Co	100 00
10	47	R. L. Garlick, furniture	106 75
15	48	G. W. Marshall, services as carpenter	69 25
21	49	G. S. Barnum, W. H. Chandler, W. K. Wilson, A. C. Bates, A. K. Osborn, A. P. Hammond, J. Colman and W. P. Lynde, joint committee, expenses visiting state prison, $15 each	120 00
21	50	W. P. Towers, P. Dunning, G. H. Barwise, D. Clark, E. S. Oakley, J. T. Marston, P. H. Van Bergen, C. V. N. Kittridge, J. H. Hubbard, G. B. McGie, W. B. Davis and W. T. Leitch, jurors supreme court, each $1	12 00
24	51	W. H. P. Bogan, contesting election	50 00
24	52	J. W. Robson, injury firing cannon, Feb. 22	300 00
26	53	G. W. Sturges, expenses in care of sick and disabled soldiers, while state agent	400 00
26	54	G. M. McDougal, sheriff fees and attending supreme court	227 52
26	55	L. Kellogg, clerk's fees in state cases in supreme court	162 75
26	56	E. Thompson, wood	885 00
26	57	Fisher & Reynolds, furniture	594 28
26	58	W. Sturm, expenses on citation of governor	177 00
28	59	E. Salomon, expenses in case of Druecker v. Salomon	2,500 00
31	60	G. Zimmerman, wood taken by military	72 00
April 4	61	F. H. Magdeburg, captain Manitowoc and Calumet invincibles	189 60
4	62	State prison, furniture furnished state	389 50
4	63	Sup't public property, stationery, 1867	10,000 00
4	64	Chaplains of legislature, $30 each	180 00
4	65	Institute for deaf and dumb, erecting shoe shop	1,000 00
4	66	....do....heating apparatus	5,000 00
4	67	State reform school, current expenses	16,000 00
4	68	Ramsay & Campbell, hardware	438 46
4	69	W. J. Park & Co., stationery	199 95
4	70	Bunker & Vroman, lumber	90 19
5	71	J. S. Hathaway, military services	808 88
7	72	I. A. Lapham, maps for legislative manual	200 00
9	73	Moseley Bro., stationery	405 89
9	74	J. N. Jones, hardware	287 18
9	75	J. Burckhardt, supplies to and boarding sick soldiers' 30th regiment	55 00
9	76	C. H. Larkin, Chapman's sectional map	11 15
9	77	Pardee & Clark, paints, oils, &c	162 82
9	78	C. Schmid, repairs in capitol	64 50
9	79	J. C. Hall, $114 02, M. Barrett, $106 96, and R. Lane $41 18, for land sold by state, to which it had no title	262 11
9	80	T. Regan, gas fixtures	152 21
9	81	T. Reynolds, loss in purchasing school lands	334 00
9	82	Dunning & Sumner, paints, oils, &c	94 88
9	83	Sexton & Dowling, lumber	35 50
9	84	W. Reese, supplies to members Kenosha heavy artillery	10 00
9	85	Moseley Bro., stationery	150 75
9	86	M. Bingen, supplies to members Kenosha heavy artillery	144 60
9	87	J. Livsey, repairs about capitol	65 61
9	88	Institute for blind, current expenses	16,000 00
9	89	W. J. Park & Co., stationery	29 81
9	90	F. Phillips, services 2d lieut., E, 32d regiment	114 40
9	91	Hospital for the insane, current expenses, $40,000; cellar for vegetables $1,500	41,500 00

Date.	*No.*	*To whom and for what appropriated.*	*Amount.*
April 9	92	P. W. Voltz, supplies to members Kenosha heavy art....	69 20
7	93	C. H. Larkin, late sheriff, defense against charges.....	1,906 80
11	94	H. G. Webb, N. M. Littlejohn, A. W. Starks, O. Babcock, W. W. Reed, P. Pettit, W. J. Abrams and C. H. Orton, joint committee on charitable institutions, each $25.....	200 00
11	95	H. Turner, contesting election.....	129 25
11	96	F. M. Stewart and E. W. Young, indexing and transcribing senate and assembly journals, each $250.....	500 00
11	97	State reform school, building.....	80,000 00
11	98	Institute for deaf and dumb, current expenses.....	19,000 00
11	99	D. Hastrieter, military services	118 50
12	100	W. Goodnow, extra work on south wing.....	5,000 00
12	101	St. Mary's hospital, Milwaukee hospital, St. Rose's Roman Catholic asylum, Potestant orphan asylum and St. Amelianna's orphan asylum, each $500.....	2,500 00
12	102	F. M. Stewart and E. W. Young, compiling legislative manual, each $50.....	100 00
12	103	H. McDermott, military services.....	307 20
12	104	Institute for deaf and dumb, erection of west lateral wing.....	16,000 00
12	105	G. H. Slaughter, expenses contesting election.....	62 63
12	106	National bank, Delavan, excess of tax paid..... ...	347 27
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12	108	Soldiers' orphans' home, current expenses.....	25,000 00
12	109	Western bank-note engraving co., diagrams senate and assembly chambers, &c	200 00
12	110	G. H. Myers and E. C. Goff, commissioners contested election, Turner v. Bogan, each $50.....	100 00

STATE OF WISCONSIN, }
SECRETARY'S OFFICE, } ss.

I, Thomas S. Allen, secretary of state of the state of Wisconsin, do hereby certify, that I have compared the foregoing list with the original acts of appropriations deposited in this office, and that the same is a complete list of all appropriations made at the last session of the legislature.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the state, at the capitol, in Madison, [L. S.] this 10th day of July, A. D. 1866.

THOS. S. ALLEN, *Secretary of state.*

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